(24,441)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1915.

No. 285.

MANUEL CERECEDO, ANDRÉS GRILLASCA, AND CARLOS VALLE, PLAINTIFFS IN ERROR,

vs.

THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR THE DISTRICT OF PORTO RICO.

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1 In the District Court of the United States for Porto Rico.

Filed Dec. 5th, 1913.

UNITED STATES OF AMERICA,
District of Porto Rico, ss:

In the District Court of the United States for Porto Rico, District Aforesaid, at the October Term Thereof, A. D. Nineteen Hundred and Thirteen.

The Grand Jurors of the United States, impaneled, sworn, and charged at the Term aforesaid, of the Court aforesaid, on their oath present, that Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, Andrés Grillasca, and divers other persons to the Grand Jurors unknown, on or about the Sixteenth day of May, Nineteen hundred and thirteen and prior to the bringing in of this indictment, in said District and within the jurisdiction of said Court, did unlawfully, knowingly, corruptly, fraudulently, feloniously, wilfully and maliciously conspire, combine and confederate together and with one another, to wilfully, knowingly, unlawfully and maliciously commit an offence against the United States, to wit: to bring and cause to be brought into the United States, to wit: the Island of Porto Rico of the United States, from a foreign country, to wit: the Republic of Santo Domingo, for the purpose of disposing of the same, papers, certificates and instruments, purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, to wit: in the lotteries Junta
2 de Ceridad and Manicomio "Padre Billini", Republic of Santo Domingo, in violation of Section Two hundred and thirty-seven (237) of the Criminal Code of the United States;

That thereafter and in pursuance of said conspiracy, combination and confederation and to effect the object thereof, being for the purpose of bringing and causing to be brought and carried from a foreign country into the United States, to wit: from the Republic of Santo Domingo into the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same, papers, certificates or instruments, purporting to be or represent tickets, shares, chances, and interests in and dependent upon the event of certain lotteries offering prizes dependent in whole or in part upon lot or chance, as aforesaid, as they then and there well knew, the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, Andrés Grillasca, and divers other persons to the Grand Jurors unknown, did, then and there, on the Twenty-first day of June, Nineteen hundred and thirteen, in the District aforesaid and within the jurisdiction of said Court, wrongfully, unlawfully, knowingly and feloniously bring and cause to be brought into the United States from a foreign country, to wit: from the Republic of Santo Domingo to the Island of

Porto Rico of the United States, about Five thousand (5,000) papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon
3 lot or chance, to wit: the lottery in favor of Manicomio "Padre Billini", Republic of Santo Domingo, which said lottery was to take place and be holden on the Thirteenth day of July, Nineteen hundred and thirteen; also about Ten Thousand (10,000) papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: in the Junta de Caridad "Padre Billini", a lottery for the benefit of the Casa de Beneficencia y Orfelinato, Republic of Santo Domingo, which said lottery, as aforesaid, was to take place and be holden on the Third day of August, Nineteen hundred and thirteen; also about Eight thousand (8,000) papers, certificates, or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: a lottery in favor of the Manicomio "Padre Billini", Republic of Santo Domingo, which said lottery, as aforesaid, was to take place and be holden on the Seventeenth day of August, Nineteen hundred and thirteen; the particular manner of such drawings by which the lot or chance aforesaid was to be determined being to the Grand Jurors unknown, and which said papers, certificates and in-
4 struments, they the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, Andrés Grillasca, and divers other persons to the Grand Jurors unknown, then and there, did bring and cause to be brought into the United States from a foreign country, to wit: from the Republic of Santo Domingo into the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same;

That thereafter and in pursuance of such conspiracy, combination and confederation, and to effect the object thereof, being for the purpose of bringing and causing to be brought and carried from a foreign country into the United States, to wit: from the Republic of Santo Domingo to the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same, papers, certificates or instruments, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of certain lotteries offering prizes dependent in whole or in part upon lot or chance, as aforesaid, as they then and there well knew, the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, and divers other persons to the Grand Jurors unknown, did, then and there, on the Eighth day of August, Nineteen hundred and thirteen and prior to the finding of this indictment, in the District aforesaid and within the jurisdiction of said Court, wrongfully, unlawfully, knowingly and feloniously bring and cause to be brought into the United States

from a foreign country, to wit: from the Republic of Santo
5 Domingo to the Island of Porto Rico of the United States,
about Eight thousand (8,000) papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: in the Junta de Caridad "Padre Billini", a lottery for the benefit of the Casa de Beneficencia y Orfelinato, Republic of Santo Domingo, which said lottery, as aforesaid, was to take place and be holden on the Seventh day of September, Nineteen hundred and thirteen; also about Eight thousand (8,000) papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: in the lottery in favor of the Manicomio "Padre Billini", Republic of Santo Domingo, which said lottery, as aforesaid, was to take place and be holden on the Twenty-first day of September, Nineteen hundred and thirteen, also about Eight thousand (8,000) papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: in the Junta de
Caridad "Padre Billini", a lottery for the benefit of the Casa
6 de Beneficencia y Orfelinato, Republic of Santa Domingo,
which said lottery, as aforesaid, was to take place and be holden on the Twelfth day of October, Nineteen hundred and thirteen; the particular manner of such drawings by which the lot or chance aforesaid was to be determined being to the Grand Jurors unknown, and which said papers, certificates and instruments, they the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, and divers other persons to the Grand Jurors unknown, then and there, did bring and cause to be brought into the United States from a foreign country, to wit: from the Republic of Santo Domingo into the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same;

That thereafter and in pursuance of said conspiracy, combination and confederation, and to effect the object thereof, being for the purpose of bringing and causing to be brought and carried from a foreign country into the United States, to wit: from the Republic of Santo Domingo to the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same, papers, certificates or instruments, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of certain lotteries offering prizes dependent in whole or in part upon lot or chance, as aforesaid, as they then and there well knew, the said Manuel Cerecedo, Jacinto Y Mañon, Carlos Valle, and
divers other persons to the Grand Jurors unknown, did then
7 and there, on the Fifth day of October, Nineteen hundred
and thirteen, wrongfully, unlawfully, knowingly and feloniously bring and cause to be brought into the United States from a

foreign country, to wit: from the Republic of Santo Domingo to the Island of Porto Rico of the United States, a large number of papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and defendent upon the event of a certain lottery offering prizes dependent in whole or in part upon lot or chance, to wit: in the lottery in favor of the Manicomio "Padre Billini," Republic of Santo Domingo, which said lottery, as aforesaid, was to take place and be holden on the Twenty-sixth day of October, Nineteen hundred and thirteen, and the particular manner of such drawing by which the lot *of* chance aforesaid was to be determined being to the Grand Jurors unknown, and which said papers, certificates and instruments, they the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle, and divers other persons to the Grand Jurors unknown, did then and there bring and cause to be brought into the United States from a foreign country, as aforesaid, to wit: from the Republic of Santo Domingo into the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same;

That thereafter and in pursuance of said conspiracy, combination and confederation, and to effect the object thereof, being for the purpose of bringing and causing to be brought and carried from a foreign country into the United States, to wit: from
8 the Republic of Santo Domingo into the Island of Porto Rico of the United States, as aforesaid, for the purpose of disposing of the same, papers, certificates or instruments, purporting to be and to represent tickets, shares and chances in and dependent upon the event of certain lotteries offering prizes dependent in whole or in part upon lot or chance, as aforesaid, he the said Manuel Cerecedo, and divers other persons to the Grand Jurors unknown, did, on the Twenty-sixth day of July, Nineteen hundred and thirteen, and at sundry and various times to the Grand Jurors unknown and prior to the finding of this indictment, in the District aforesaid and within the jurisdiction of the said Court, wrongfully, unlawfully and feloniously sell and dispose of a large number of said papers, certificates or instruments, the exact number being to the Grand Jurors unknown, purporting to be and to represent tickets, shares, chances, and interests in and dependent upon the event of certain lotteries offering prizes dependent in *would* or in part upon lot or chance, as aforesaid, to wit: in the Junta de Caridad "Padre Billini," a lottery for the benefit of the Casa de Beneficencia y Orfelinato, Republic of Santo Domingo, and the lottery in favor of the manicomio "Padre Billini," Republic of Santo Domingo, to Juan Antonio Pérez and divers other persons in the Island of Porto Rico, whose names are to the Grand Jurors unknown;

And so the Grand Jurors aforesaid, upon their oath aforesaid, do say, that the said Manuel Cerecedo, Jacinto Y. Mañon, Carlos
9 Valle, Andrés Grillasca, and divers other persons to the Grand Jurors unknown, then and there, to wit: on the 16th day of May, Nineteen hundred and thirteen and prior to the finding of this indictment, wrongfully, unlawfully and maliciously did con-

spire and combine and confederate together and with each other to unlawfully, wilfully, maliciously, feloniously and knowingly violate Section Two Hundred and Thirty-seven (237) of the Criminal Code of the United States, contrary to the form of the statute in such case made and provided, and against the peace and dignity of the United States.

(Signed) W. N. LANDERS,
United States Attorney.

10 EXHIBIT A FOR GOV'T #553 CR.

Filed March 27th, 1914.

Municipal Court of San Juan, Porto Rico.

In the name of and by authority of the People of Porto Rico.

Sworn Declaration of Walter M. St. Elmo.

Before me, Fernando J. Geigel, Municipal Judge of the municipal court for the municipal judicial district of San Juan P. R. appears on this day September 16th, 1913, Walter M. St. Elmo, Chief of the Secret Service Bureau, who being first duly sworn, declares:

That the individual Manuel Cerecedo, living at No. 46 San Francisco street is introducing in this city and carries concealed in his person lottery tickets with the deliberate purpose of offering same for sale.

That the Insular Police of San Juan, has received confidential information in that regard, and through the information of other detectives of the Insular Police, having good grounds to believe that it is true that the said Manuel Cerecedo is introducing such lottery tickers, wherefore, in order that the law may be complied with, he asks the municipal judge of San Juan, P. R. that a search warrant be issued so as to search the house and person of Manuel Cerecedo living at San Francisco street No. 46 in this city of San Juan, for the sole purpose of confiscating said lottery tickets.

That the said search warrant is asked for for the purposes of justice and without any other purpose but to enforce the law.

This petition and declaration is made on the 16th day of September 1913, in San Juan Puerto Rico.

WALTER M. ST. ELMO, *Affiant.*

Sworn to and subscribed before me by W. M. St. Elmo, on this 16th day of September, 1913.

FERNANDO J. GEIGEL,
Municipal Judge, San Juan.

11 EXHIBIT B FOR GOV'T #553 CR.

Filed March 27th, 1914.

Municipal Court of San Juan, Porto Rico.

In the name of and by authority of the People of Porto Rico.

Search Warrant.

Whereas on this day the 16th of September 1913, at six o'clock a. m. the Insular policeman No. — of this city of San Juan, has made a sworn declaration whereby and by virtue of which he has ground to believe that the person of Manuel Cerecedo is carrying concealed with him, or has in his premises, at No. 46 San Francisco street, lottery tickets for the unlawful purpose of offering them for sale.

Whereas, said declaration has been subscribed to by said Walter St. Elmo, Chief of the Secret Service Bureau, setting forth therein the grounds on which he bases his declaration.

Now therefore, by virtue thereof and according to law I should issue and do hereby issue this search warrant so that a search be made at any hour of the day or night either in the house or in the person of said Manuel Cerecedo, or to whomsoever he may have delivered said tickets for the purpose of concealing them or preventing their detection, and proceed to arrest the person or persons in whose possession said tickets may be found, seizing them and making delivery thereof to the municipal court of San Juan, at No. 43 Cristo St.

The above warrant is issued for the purposes herein set forth only, and return thereof made within ten days from date.

San Juan, Porto Rico, September 16th, 1913.

FERNANDO J. GEIGEL,
Municipal Judge.

Respectfully returned to the Hon. the municipal judge, the search warrant issued yesterday to me having been complied with, and having seized one thousand and eighteen lottery tickets, and eight teenths, and in addition thereto, twenty three of the same, two large note books, two small ones, and a certain number of receipts, memorandums and notes in connection with the business of selling lottery tickets. An invoice copy book with 36 written sheets.

SAN JUAN, P. R., Sept. 17, '13.

Walter M. St. Elmo, Chief of the Secret Service Bureau.

I, Walter St. Elmo, agent of the authority by whom this search warrant was executed, do swear that the preceding inventory con-

tains a true and detailed list of the articles seized by me in carrying out said warrant.

WALTER ST. ELMO,
Chief of Secret Service Bureau.

12 UNITED STATES OF AMERICA,
The President of the United States, ss:

Subscribed and sworn to before me by Walter St. Elmo, of age, Chief of the Secret Service Bureau, to me personally known.
San Juan, P. R., Sept. — 1913.

FERNANDO J. GEIGEL,
Municipal Judge of San Juan.

13 EXHIBIT C FOR GOV'T #553 CR.

Filed March 27th, 1914.

(Translation.)

In the city of Santo Domingo, Dominican Republic, on the 16th day of May 1913, between Mr. Manuel Cerecedo, party of the first part, and Dr. Jacinto Y. Mañon, party of the second part, it has been agreed and covenanted as follows:

1. Dr. Jacinto Y. Mañon, binds himself to sell to Mr. Manuel Cerecedo the amount of 10,000. tickets of every one of the drawings made in favor of the Charity and Orphanage Asylum, Padre Billini and Insane Asylum "Padre Billini."

2. Either in the lotteries of 15,000. tickets with a great prize of $5,000., or in those of that same amount of tickets with a prize of $10,000., or those of an equal amount of tickets with a prize of $15,000.; the official price for each ticket shall bear relation to the price of the tickets for the drawings now held in accordance with the orders issued by the Executive Power on June 29th, 1901 and July 8th, 1902. It is agreed that Mr. Cerecedo shall be allowed a discount of 10% on the official price of each ticket.

3. Dr. Mañon, grants Mr. Cerecedo the exclusive right to sell in the spanish territory the tickets of the said lotteries, and Dr. Mañon, shall not only abstain from selling tickets to any other person for that territory, but also, will co-operate through all means within his reach to the end that no tickets be sold nor taken for the territory in which Mr. Cerecedo is to negotiate those which by exclusive right belong to him.

4. There shall be delivered to Mr. Cerecedo or to the person whom he shall designate, the tickets of two or three drawings, two months prior to the holding of the first of said drawings. These deliveries shall be accompanied by its invoices, specifying the number of the tickets contained in each package.

14 5. There shall be delivered to Mr. Cerecedo or to each person whom he shall designate, one hundred lists of each drawing.

6. Mr. Cerecedo shall remit to Dr. Mañon, the net amount of the tickets taken by him each deawing, five days prior to the holding of the corresponding drawing, and he shall do so by cable through a banking house.

7. If an amount of tickets should be stolen, Mr. Cerecedo, upon being informed of the fact, shall notify Dr. Mañon, before the corresponding drawing takes place so as to protect his interests. If the tickets should be destroyed on account of shipwreck, fire or similar causes, Mr. Cerecedo shall notify Dr. Mañon and upon ascertaining such fact, a new issue of the tickets thus destroyed will be made, provided that Mr. Cerecedo assumes the responsibility which it may entail.

8. The tickets which have drawn prizes shall be forwarded under invoice to Dr. Mañon, to be discounted from future invoices.

9. All expenses in connection with the remittance of funds, of cablegrams, delivery of tickets, as well as those incurred on account of any steps taken to secure a better service shall be borne by Mr. Cerecedo.

10. Mr. Cerecedo shall deliver to Dr. Mañon, a promissory note for the value of each series remitted, guaranteed by the firm of Cerecedo Hermanos & Co., Succesors, for the sum of Fifty-four thousand dollars for those corresponding to each drawing.

11. Mr. Cerecedo binds himself not to negotiate with any other lottery enterprise in the Republic.

12. This contract begins on the 13th of July of the current year (unless prevented by sufficient cause) and shall end on the 13th of July 1924.

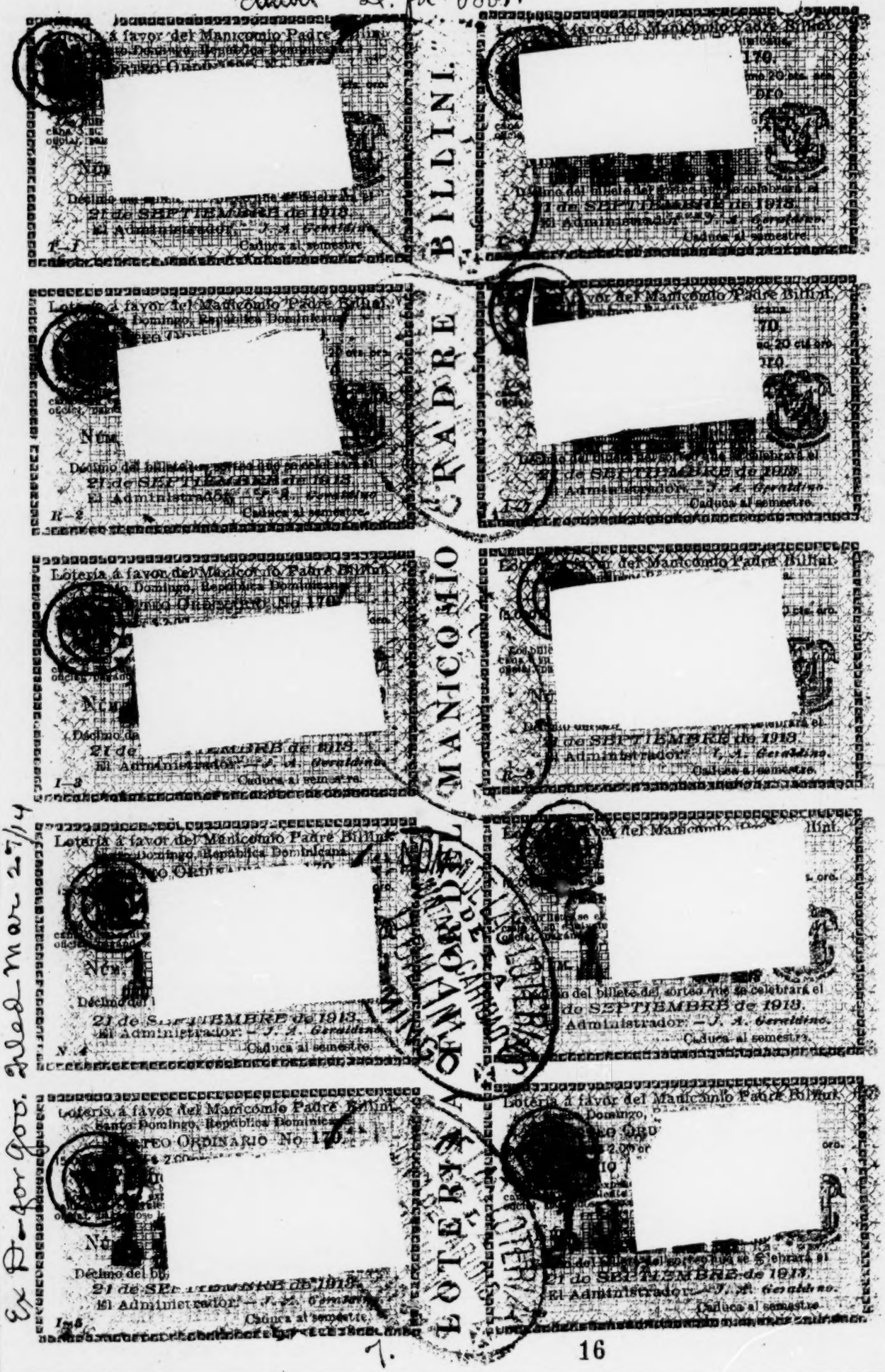
15 Executed and signed in duplicate on the day and date above set forth.

M. CERECEDO,
DR. MAÑON.

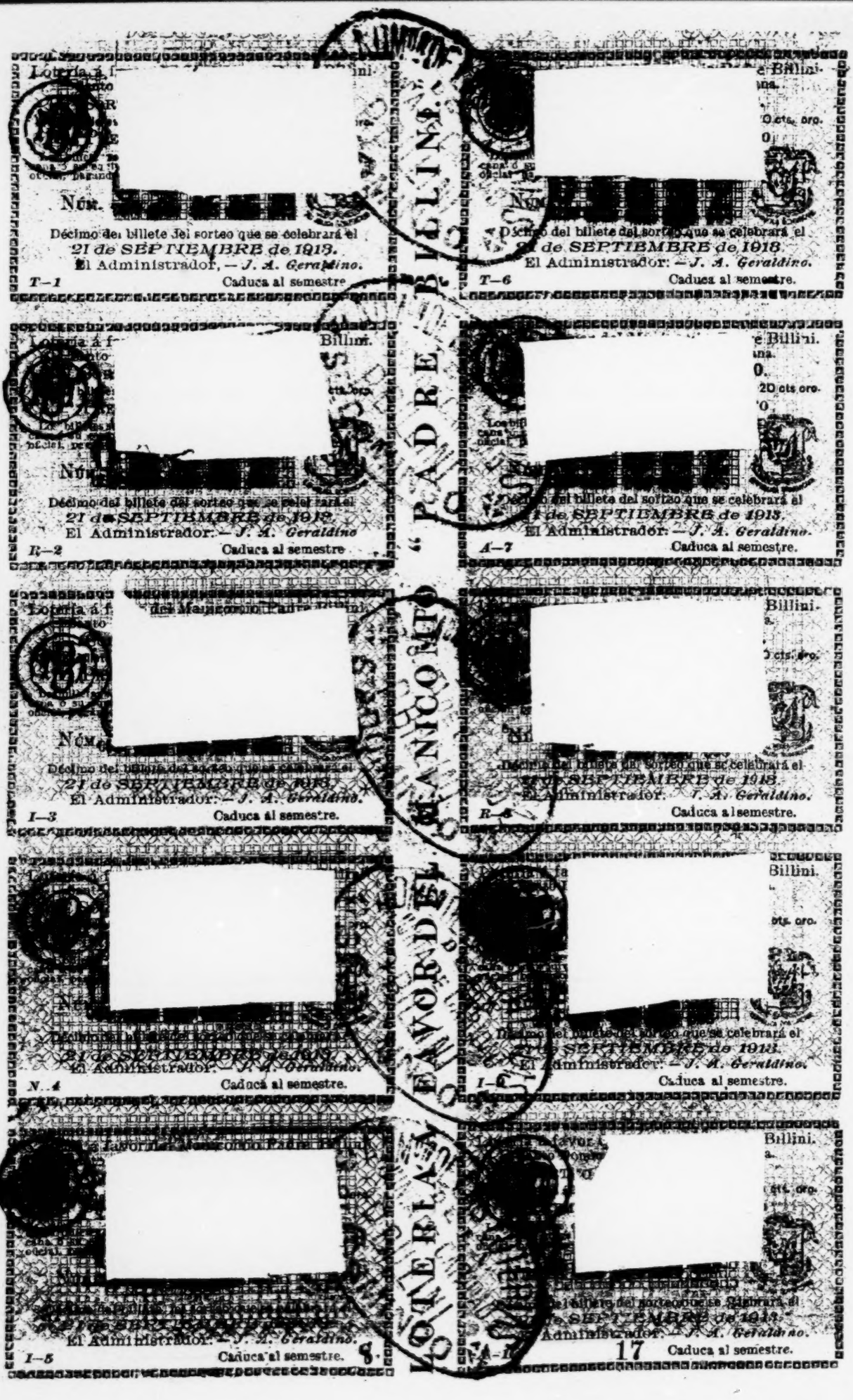
Witnesses:
LUIS GALVANS.
J. A. GERALDINO.

(Here follow lottery tickets marked pages 16 to 20.)

Exhibit D. for Govt

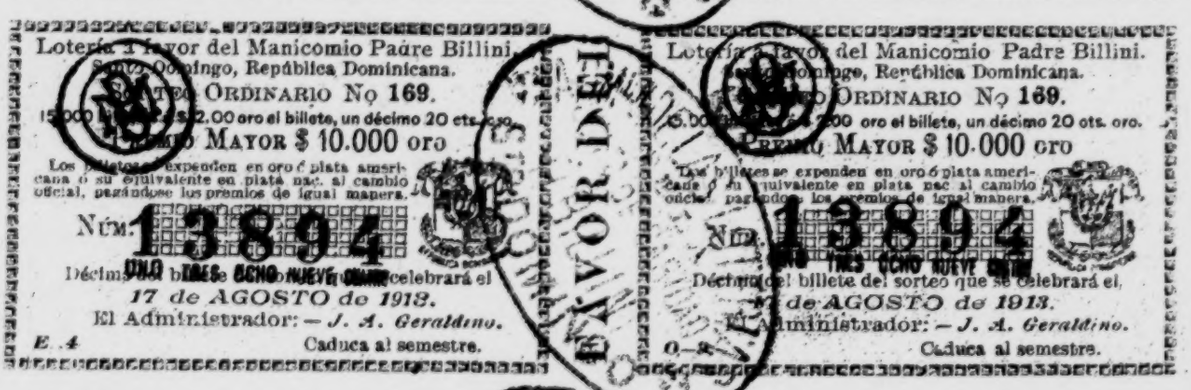


Ex P-for Govt. Admd Mar 27/14


Billini.
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador. — J. A. Geraldino.
Caduca al semestre.
T–1
T–6
R–2
A–7
I–3
R–5
N–4
I–6
I–5
A–8
17
PADRE BILLINI
FAVOR DEL ASILO

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
Caduca al semestre.
T—1
T—6
I—2
I—3
N—4
I—5
LOTERIA A FAVOR DEL MANICOMIO PADRE BILLINI.

Exhibit 8 for Government



Ex. E. for Gov't - Read Mar. 27/14

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador, — J. A. Geraldino.
T—1 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
R—6 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
E—2 Caduca al semestre

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
A—2 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
L—3 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: I. A. Geraldino.
F—8 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
E—4 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
O—4 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
G—5 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 169.
15.000 billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 13880
Décimo del billete del sorteo que se celebrará el
17 de AGOSTO de 1918.
El Administrador: — J. A. Geraldino.
S—10 Caduca al semestre.

LOTERIA A FAVOR DEL MANICOMIO PADRE BILLINI

1120

1 EXHIBIT F FOR GOV'T #553 CR.

(Translation.)

Filed March 27th, 1914.

SANTO DOMINGO, July 7th, 1913.

Mr. M. Gonzalez Hermida, San Juan, P. R.

ESTEEMED FRIEND: In the absence of any letter from you to which may refer I am writing you this to greet you and to inform you hat I am enclosing herewith one of words so as to know if you deem dvisable to forward the same to Messrs. Fonseca Bros. of Barcelona, o that we may understand each other better.

Everything is going on well here, there is an astonishing demand or the goods to the extend that we have trouble for not being able o satisfy everybody, and in view of that circumstance, both myself nd the friend, will undertake to ask you to accept the withdrawal of ne thousand yards, so as to avoid trouble here, enabling you to make better operation over there, that is to say, that I believe that this liminution will be very convenient for you because you will be ble to place them at a better price.

By this steamer I am forwarding you some candy so that you may eliver it to your distinguished wife in the name of mine, and I hope hat she will like it, and also, that she may not forget Santo Domingo.

I suppose that you finally pleased the young lady of Mayaguez nd I reiterate my request to you, to never forget her.

Mr. C. Gallart, bearer of the candy will present you a card of introduction from me, I recommend him and hope that you
22 will be able to use his services and that you will do for him what he asks, he is honest, active and conversant with that kind of business, and it is for that reason that I recommend him to ou very particularly.

Awaiting letter from you by the German steamer, I salute you ith all consideration.

Your sincere friend,

JACINTO Y MAÑON.

23 EXHIBIT G FOR GOV'T #553, CT.

Filed March 27th, 1914.

SANTO DOMINGO, July 9th, 1913.

Sr. M. Gonzalez Hermida, Commission Agent, San Juan, P. R.

DEAR SIR: Enclosed please find invoice of products which I am orwarding to the interested parties to their "activo active account" and its cost of $27,000. remains noted to your name. For expenses incurred and commission I have charged you $1,086.60 which appear therein.

With due consideration I salute you,

Yours truly,

JACINTO Y. MAÑON.

On a slip of paper thereto attached: R/. del Doctor Jacinto Y. Mañon.

Tell me if you think advisable that we should have the following code:

Ignacio: Santo Dogo.

Herda: San Juan.

24 Printed in red ink: R/. del Doctor Jacinto Y. Mañon.

Let me know if you consider advisable that we should have the following code:

Ignacio: Santo Dogo.

Herda: San Juan.

In pencil: Dario Mañon.

25 EXHIBIT H FOR GOV'T #553, Cr.

Filed March 27th, 1914.

SANTO DOMINGO, July 9th, 1913.

Sr. M. Gonzalez Hermida, San Juan, P. R.

ESTEEMED FRIEND: I confirm my previous letter and take advantage of the "Julia" to tell you privately that the Ponce friend has caused us great damage with the copies of the 13th, as it appears that he was unable to introduce them or procure them at St. Thomas, this is a great upset, because we noted a scarcity here, and now with the devolution we may have a surplus but little time to place them.

I suppose that when you receive this letter you will have already in your possession the private code so that we may understand each other better without great expense. Note well these two words: Marcado-Negociamos—which I believe are, for the time being, the most important ones for the good conduct of the business.

For the present we have "Activo"-Pizarrones" so that you may have time to place them.

Up to this time we have not heard yet of the German steamer this delay I believe is not convenient owing to the fact that the Ponce friend returned the provisions and there will be no time for anything.

Awaiting your favors and telegrams I remain etc.

JACINTO MAÑON.

P. S.—I forgot to tell you that I tried the samples of the Helemiana drops with good results. Send me immediately 2 dozens of bottles and make the bill in the name of Junta de Caridad P. Billini, so that I may pay its amount. Deliver it to any passenger on the Julia.

26 EXHIBIT I FOR GOV'T #553, Cr.

Filed March 27th, 1914.

SANTO DOMINGO, July 18th, 1913.

Sr. M. Gonzalez Hermida, San Juan, P. R.

DEAR SIR: Your favor of the 5th inst. at hand together with the drafts and values amounting to $9,000. I have also credited to your account the sum of $253.56. I think you are mistaken in charging 2½% commission, when you know that the agreement was 4% as per letter in possession of my friend, consequently, there exists a difference in my favor of $110.10 which memorandum I enclose herewith.

I make this explanation against my principles, but as that is not exclusive, only the friend has his share, and if that were not so, there would not exist the compromise of doing it alone.

I would appreciate very much that you should not back out of said compromise, as I desire to avoid any drawbacks, and I also request you to write to said friend, as I heretofore have not dared to tell him anything relative to the 2½% for fear that he will resent it.

Without any other particular and awaiting the confirmation of what was agreed I salute you with all consideration,

Yours truly,

JACINTO Y. MAÑON.

27 EXHIBIT J FOR THE GOV'T #553, Cr.

Filed March 27th, 1914.

SANTO DOMINGO, July 20, 1913.

Señor Don Manuel Cerecedo, San Juan, P. R.

MY ESTEEMED FRIEND: Your favors at hand together with the values, and for your approval I have to make you the following remark, the more so because the companion is agreed as to the 4% commission, and which letter where said commission is stipulated is in his possession.

I have taken note of the considerations and conduct of the friends at both places, and it appears that we both think the same way.

That of San Juan, is not frank, is a man that wants it all for himself and particularly in that matter, by this I mean to say that you should be very careful, lest they do you some harm. I was very sorry for not having received any letter from you, not even an acknowledgment of receipt of mine.

Yesterday was the 17th, when I was able to send the agreed cable we had to double the work in order to be able to have ready three series which are those that will go by this trip, and on the next trip we propose to arrange for the balance of the year.

We have received some news here to the effect that the business is going on bad, and I think that the party who is doing all that is Mr. Garcia, who appears to have some understanding with Mr. Pou; I say this so that you may make a thorough investigation, and prevent any damage from him or from any other person, you should show indifference and make them understand that you have no special interest in the matter.

28 With reference to Mr. Galvan, it seems to me that for the present we should try to keep his friendship, without remuneration, and bring to his knowledge that the business could not be done on a large scale, owing to the fact that the other friends would not give up by any means receiving direct their products, and because of that fact you were obliged to take the balance which amounts to about 3,000, and that in view of that small quantity, no large business is possible, and much less not having the exclusive. I say all this to you because as he owns a newspaper, and he is acqua-nted with the manner in which the business will be carried out, and of the contract etc., he may try to do us harm, by denouncing the case in his said newspaper, and that would greatly inconvenience us, inasmuch as Mr. Pou is forming plots against us with the Ministry and are looking for effective proofs as to what has been agreed with you.

I enclose herewith a code, in case it should become necessary to communicate ourselves pending the arrival and return of the ship, without much expenditure.

In view of the declaration which you made both to the friend of Ponce and of San Juan, that you had to pay 5% commission for each series in order to obtain the exclusive of the business, they wrote to friend Juan — offering him a higher commission so as to get it themselves, to which he answered that it was impossible because there had been made an agreement which he had to respect.

Do not disclose by any means, to none of those gentlemen how do you receive them, now what means do you employ for it, for fear that they might commit felony. As I told you in my last letter, as we were unable to meet the demands in this city and with the purpose of appeasing the minds of the people, we

29 were compelled to withdraw 1,000 and I think that that reduction will render you in a better position for the business.

You should remember that I told you when I went there that starting a business was pretty difficult and that it had great obstacles, the more so, being surrounded by persons who knew the importance of the matter, and it was of great value at first to try to compromise in a manner beneficial to both parties, and I think that it proved successful, and I am sure as time goes by and the clouds roll by and the friends over there convince themselves that that manner is better for them, you will do more business, because so far as we are concerned you will have no difficulties.

You cannot imagine the interest taken by some strong merchants in this market to obtain three of four thousand postals, offering $2.10 for each, which we have been unable to accept on account of

our agreement with you; no matter how high the offer we will not accept it, and so we hope that you will reciprocate, so that our friend Juan will not change in any form.

And I repeat to you that I have not dared to say — him a word about the commission which you suggested, because I believe that it might give rise to some inconvenience or trouble in the matter, therefore I hope that you will ratify fully what was agreed in your esteemed letter.

I am not sending you sufficient vouchers because you have not sent me different addresses to forward them, what you ought to do is to send me a list of different addresses so as to be able to do it without delay. However, so that we might not lose this opportunity we have availed ourselves of the two friends so as to see if they make the delivery to you.

30 Among the packages there is one of each series divided in 100 c/n so that you may deliver them without delay. It is countermarked this way: distributed in five parts.

I close this because I do not want to distract your attention but the interest of the matter compels me to write you so extensively wherefore I ask you to excuse me. Hoping that everything will be all right, and with best regards to your family I am sending you this small present in the name of my family,—this sweet is very important, it was done with almonds from your store, because we cannot get them here.

Until the next, and awaiting pleasant news from you, I remain,

Very truly yours,

JACINTO.

As in your previous letter you say that if any one should request products, to recommend him to you, Mr. Blume having applied for some we have given him a card of introduction and recommendation so that you may decide whether it suits you or not to make any deal with said party.

So long.

Very truly yours,

JACINTO.

To-day is the 23rd, of July 9 a. m. and the vessel has not yet arrived neither have we any news if it sailed or not, we are ready to dispatch her within two hours after her arrival, and if any trouble has happened advise me by words of the code which I am sending you herewith.

The German steamer has been delayed and will sail to-day.

Greetings from your good friend,

JACINTO.

It seems to me that you ought to write to Mr. A. Lugo & Co., of St. Thomas, to find out whether it would be easier for you to procure them at that place. We believe it would be very convenient for the following reasons: more economic—more safe—and easier for

31 you to procure them, because they are nearer, you should well bear in mind, that our experience in that matter allows us to

see the great difficulties and conveniences for you. Answer by code. In writing me do not forget to tell me if you find advisable the codes which I forwarded you so as to bind them up.

32 EXHIBIT K FOR GOV'T, # 553, CRIMINAL.

(Filed March 27th, 1914.)

SANTO DOMINGO, August 1, 1913.

Señor M. Gonzalez Hermida, San Juan.

ESTEEMED FRIEND: After your long silence to my cables and of some uneasiness, I received "Postal" which left us satisfied that all is going on well over there, and was confirmed by "Aduana." My cable informed you that we are ready to forward the materials without delay. Mr. Cabral (S. P.) started certain demands and threats trying to make us believe that he knows the method for putting them in the hands of the owner, adding that he needed $200. for his living expenses otherwise he would start a campaign by all means detrimental to the success of the business.

We have said to him that he may do as he pleases, as those gentlemen could not afford to make him a gift of that sum, the more so when the smallness of the business would not permit it. Later on he insinuated to us that if you would let him have a certain amount for placing them, such as would enable him to meet his expenses he would work in harmony with the others. I say all this to you for their guidance, and so that under no circumstances should they trust him nor his brother, and persuade them that you are not going to have any dealings of that kind with them.

In one of my previous letters I suggested that in certain cases it would be advisable to use the Ponce friend so that he may receive the manufactured products as he is very well acquainted.

33 If we had not received the cable, we had in mind sending them to St. Thomas, so as to make it easier for you to address them. Gasoline is very scarce here and you could in a given case ship some from there, thus deriving more benefit from the chartered vessel, but this will be on another occasion.

By the numbers of the products you will see that I forwarded to Barcelona, according to your instructions, four series, and I offered them that I would forward by next boat those for December inclusive, so that there will be no delay and they will be able to transact business without any hurry.

Things are going on well here; struggling with Pou who does not cease bothering us, but the divine Providence is always with us.

We were very much worried about the proximity of the maturity of the draft, which falls due the 17th inst. but as we think that it will not take more than 8 days for the round trip you will have time to make the dispatch.

I am awaiting your pleasant news which I expect to receive by the Algonquin. I would be very much obliged if you will make an

effort and send us values, if possible by cable, as the 3rd is upon us and you know we ought to be prepared, therefore I expect the order for Monday the 4th inst.

With kind remembrances to your folks, I remain,

Very truly yours,

JACINTO.

Do not fail to send me 15 or 20 addresses so that I may forward them without delay.

34 EXHIBIT L FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

August 3rd, 1913.

MY ESTEEMED FRIEND: I acknowledge receipt of your very much desired letter which I read with all the attention which it deserved, and have the pleasure to answer as follows:

We cannot in any manner be indifferent to the drawbacks which you have suffered, all on account of those ambitious and obnoxious elements composed of Villanua, Toro, Garcia, etc. I was not mistaken in the opinion which I formed of them, which I now feel stronger, inasmuch as they never were able to obtain the merchandise for less than $2.10 and $2.15—and Mr. Garcia on many occasions offered me $2.15 placed there, which I refused because I didn't have confidence in him. If said parties are acting so indecently they do so by wickedness, they do not want order. Neither myself nor my friend can understand how strange persons are taking goods over there, when we have not sold them to them here. There will be plenty of time to unearth the fraud, the Ponce friend should know that we respect fully our obligations.

With reference to the reduction in the commission neither myself nor my companion have any objection to interpose, therefore from the 17th, you may, with our approval, credit 2½% commission, until such time as the business may have attained its desired conditions, and you so notify us. If on your side there is a strong will and good wishes, the same condition prevails on our side, so we think we ought to consider ourselves as good brothers and work in complete harmony.

Have a little calm, that very soon Mr. Vill and the other pharisees, will soon return to you in search of your protection, and then they will have time to repent; God always punishes wrong
35 doing. The recommendation which I made to you of Mr. Gallart was in case you should have thought advisable to use him in the matter, but with the understanding that all would be on my account and responsibility.

The code which you sent me I consider it good for understanding ourselves in our affairs, but as our codes are now limited, I am sending you herewith an additional code to attach to those you have already in your possession. We are watching Mr. Pou and we are on

the track of something which if it proves true we will let you know. Yesterday Mr. Blume came to my house asking for a card of introduction for you. I gave it to him, to keep up appearances, but if you believe that he has any evil designs towards us, turn him down and don't accept any proposition from him. Said party told me that he was willing to take them at $2.20 and I answered him that I did not know which was their price there, that neither myself nor my friend could by any means accommodate them. You cannot imagine how much do I regret the mean action of Galvan, it was to be expected, when he came over, he it was who caused the Decree to be issued depriving us of the increase, he it was who mixed Mr. Pou in the matter, and finally he was the author of all those combinations, and as he has not been able to live on his income, he will try to do all possible harm, the more so when he knows the form of the operation, he has a draft of our contract? By chance I received to-day letter from Mr. Lujba (?) telling me that Galvan had sent for him, but that on account of his occupations he had been unable to go, but he will see him soon and you may be sure that all what he says I will know as soon as I receive letter from him, and also so that I may transmit to you what Galvan may have communicated him.

36 At times we notice scarcity of certain commodities here, and in order that you may easily justify the dispatch of a vessel from there, I am sending you a code which will give you plainly the articles which could be sold here without delay—at the present time there is no gasolene, if the ship would have brought some, I think that the trip would have cost less than one half of what it did, but as we were unable to understand ourselves, everything turned out * * *

On account of the hurry of the shipment, and as in none of your previous letters you suggested the new form of packages, we are compelled to forward them just as they had been prepared, for this change would imply at least two days' delay, which would not be advisable as there are only but a few days available—but I assure you that from the 2nd of October and on, they will go in the following manner:

Package of 500 c/n — Package of 250 folded in two halves and packages of 250 folded in fourths, neither you nor I thought about that, as we encounter difficulties we will provide easier means to meet this or that operation. Now you know from next October they will go as you wish and better distributed, excuse us this time but shortness of time and the anxiety in which we were are the cause of it.

Do not forget to get into communication with the Ponce friend, I consider him more sincere and honest, and above all, reserved, with said friend you may have some facilities to receive the merchandises, the lists, etc., he has many people of absolute confidence, and it is very advisable that every now and then the goods be sent care of the Purser of the French steamer with instructions to land them in Ponce. That gentleman knows the ways and means, to do it, so I think you ought to study this proposition the same as the one

I made you in my previous letters to forward them to St. Thomas, subject to your calling. Don't you think that it would be
37 advisable to study all these combinations? I do not hesitate to recommend them to you based on my experience, and because those methods have been resorted to for many years and heretofore no mischief has occurred, and as I believe that both you and ourselves are interested in carrying on these operations without any risk, I am taking the liberty to outline them to you. Your suggestion as to the convenience of putting a counter-mark to the merchandises, for the purpose of controlling them, cannot be granted owing to the fact that there is a Government order forbidding us from putting any other mark than those indicated. You could do that yourself over there very easily by requiring all sellers to put thereon the agreed number or letter, and thus be able to control the business and also you may tell those who take those goods that you will only accept those that have drawn premiums which appear on the list or registry which you keep.

I am not sending any accounts by this mail for lack of time, I will forward them by next mail.

Don't forget to make all arrangements for the shipment of the auto if it should not come in the German steamer I will be very much disappointed.

I received your presents and both myself and my wife thank you very much for them.

I know that you are a very busy man but I want you to do something for me and ask you to excuse me before hand. Upon the arrival of the Spanish steamer I want you to get for me a canary bird, a good singer, I will ask you also to buy me a dozen neckties of the class which the bearer will show to you—you can get them at a store on Tetuan St. near the Hotel Paris, a place where they only sell gents' furnishings. The said neckties have a shade of purple, green and some are blue, I want them of different
38 colors, and you may hand them to Mr. Mayol together with such other goods and products as you may desire.

Wishing you good health and the protection of the Divine Providence for all our products, I remain,

Yours very truly,

JACINTO.

39 EXHIBIT M FOR GOV'T #553 CR.

Filed March 27th, 1914.

Dr. Elio Augusto Fiallo, ex-Physician of the Hospitals of Santo Domingo.

SANTO DOMINGO, August 4th, 1913.

Sr. Don Manuel Cerecedo, San Juan, P. R.

MY ESTEEMED FRIEND: I received your very kind letter which I am answering with the same pleasure.

The captain of the Vencedor delivered to me the effects belonging to Mr. Geraldino, my colleague and friend Mañon and my own, for which I thank you; I am sending you through him a little box of milk candy for your wife, that candy is the specialty of the province of Azua.

With reference to my trip there, it will not be for the present, as I will have to go first to New York; but I assure you that next year you will have me there.

Wishing that you come over very soon so that we may talk long and good, and with best regards to your nice family, I remain,

Sincerely yours,

D. FIALLO.

P. S.—If I can do anything for you here, I am at your orders.

40 EXHIBIT N FOR GOV'T #553 CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 6th, 1913.

MY ESTEEMED FRIEND: I received your cable, but it was too late and besides that I was unable to understand it, I presume that what you meant was to forward one thousand wooden blocks or cross ties to Mayagues. Please explain by letter.

I have already written to New York about the business and I offered not the price suggested by you but cheaper so as to see if we can get any. Do not fail to communicate with the Ponce friend so as to see if we can make some arrangement to send the products through that way, as I believe that it will be cheaper and safer for you, and I am not making any further explanation in that regard because I consider it unnecessary.

You cannot imagine how sorry I feel for having given a card of introduction to Mr. B. as I do not wish that he be the cause of any annoyance to you.

Mr. Pou is contemplating to take merchandises, over there; you should keep an eye on him, we are making similar inquiries here.

Hoping that by the time you receive this all the "incognitas" will have disappeared, I say good bye to you until next mail.

Yours very truly,

JACINTO.

41 EXHIBIT O FOR GOV'T #553 CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 7th, 1913.

MY ESTEEMED FRIEND: Without news up to this moment, 3 o'clock, I will avail myself of the opportunity to tell you that silence leads me to belief that everything has come out all right, of which I am glad. After I recovered my calm I read again you- favors,

and I see that it didn't please you very much that I should have made reference to the commission. Believe me, I didn't do it with the purpose of demanding anything, simply to justify myself before my companion, as I didn't want him to have the slightest doubt for a moment. If he had not yielded I would have been willing to renounce *to* my share until things should have gone on well, I will be your friend at all times and in all circumstances, without any interest and I will be always ready to be useful to you in everything. Don't call me impertinent but I have marked interest that you study the "vis Ponce" as an easy way for introducing the products. You should bear in mind that the Ponce friend has never met with any difficulty and as I know that he is acting in good faith towards you he being much interested in harmonizing things, you ought to avail yourself of his offers in order that our affairs be carried on without any interruption.

I knew that those prominent persons from San Juan were going to cause a great deal of trouble; they are too ambitious, and to make things worse they have joined with Garcia who is a mischievous urchin.

All the difficulties which those products have always encountered have been only in San Juan, nothing has happened in the
42 others, therefore, do all what you can to shake it off from top of you, for your tranquil-ity.

Until the next, and you may rely on your good friend.

JACINTO.

Whenever I have address I will write you in this form.

43 EXHIBIT P FOR GOV'T #553 CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 10, 1913.

Sr. Don Marcial G. Hermida, San Juan, P. R.

MY ESTEEMED FRIEND: I received your favor through my friend Virgilio, as well as the values, for which I will give you satisfaction on the next mail. If the listones did not arrive in time I am not to blame for it, they were sent off on the next day by mail through Carlos. Your recommendation to deliver the said listones on the three steamers, in order that they be turned over to their respective consignees, it cannot be done until a previous understanding be had with said parties, and authority be given by them to the employees of said steamers to receive them; they refuse to accept them without the explanation, which I communicate to you in order to avoid any interruption and enable you to take proper steps to avoid trouble and that no blame be laid upon me for the delay. On the night of the 8th inst. I received your cable declining responsibility, to which I protested for the following reasons. The contract existing between us does not say a word with regard to my responsibility, provided that everything be done in time, and as the products

were forwarded in time and without any delay, and if it was not done the same day was because it arrived on Sunday, and the clearance was impossible, if any delay occurred on the way, it is the weather that should be blamed for it and not I. You will remember that both by letters and cable I told you that I deemed advisable to send the products to St. Thomas, for more facility for you, and I received no answer in that regard; Furthermore, since July 22nd I gave you the first notice to send for the said products, and it was not until the 3rd that you did it; all this
44 will prove to you that there has been no fault on my part towards the fulfillment of the obligation contracted.

All of these things lead me to believe that you have in mind asking for the rescis-ion of our contract (which I would regret exceedingly) and if that is the case, you should advise in due time, in order that this business should not suffer a breakdown. You know that we should be prepared for a contingency or a disappointment. If you have met some obstacles it has been because you are surrounded by a number of ambitious men, and in order to overcome and clear up all those obstacles you need much calm and absolute secrecy, otherwise you will attain nothing. I believe that if you could explain matters to those men making them see the revival of their business, in the future everything would be settled satisfactorily. With reference to the Ponce friend, you should remember that I always told you to use his services, for receiving the products; because he has sufficient experience and counts with very good friends which are useful at all times. You inform me that hereafter the Ponce man will send us direct the values, but it has not turned out so, neither by the German nor the Julia have we received anything, which is a disappointment to us.

As to Mr. Pou, nothing doing, if anything is said over there it is false, he has not asked the municipality for an increase, neither will the latter take chances, whatever may happen in that regard we will notify you immediately, because it is our duty to keep you posted as to any news of that sort. The difference articles or news items published here cannot be prevented by us, that is the work of Mr. Pou, he is paying $20 per month to the editor of El Derecho, so that he may publish articles or news concerning this matter, and besides he tips the reporters of the Listin to do the same, but nobody pays any attention to that here, and I believe that they will
45 much less down there, it being the work of a wicked and ambitious man.

Passengers who have arrived recently say that things are already getting smooth over there, if so you will have less anxiety and you will be able to carry on better your business; I repeat again, be calm, for you know, a business with which you are not familiar presents serious difficulties at the start, which are overcome when there is a strong will.

As I have to send you the lists of the 17th, and the only rapid opportunity is by the German steamer, until we have the proper combination I will deliver the package to the Purser of the German boat, so that you may call for it on board, if not, he will take it to

St. Thomas, to the house of A. Lugo, and you will claim it there. The package will be addresses as follows: J. H. Smith, Agente, London. (For all difficulties much calm is needed, and absolute secrecy, otherwise you cannot solve anything, I think that.) Strike out. This is until you have fixed the matter. If the Ponce gentleman sent you the promissory notes for Mr. Sojo you may keep them and pay them when due, charging them to my account. I would earnestly request you to do all that you can to send me values so that I may settle accounts with my friend, who is urging me; on the ground that according to the contract I am bound to pay five days prior to each.

By mail of the 22nd I will forward you the account and copy of the different cables addressed. When you write me do not enclose letter in head envelope, put in under any kind of cover.

Awaiting for a satisfactory answer announcing that all difficulties have disappeared, I salute you and remain,

Very truly your-,

JACINTO.

46 This I am sending vis Cuba so as to see if it reaches you before the 22nd inst. and you too may write me via New York, which is also rapid.

47 EXHIBIT Q FOR THE GOV'T, # 55%, CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 20th, 1913.

Sr. Marcial G. Hermida, San Juan.

MY ESTEEMED FRIEND: Without any letter from you to which I may refer I am writing you for the purpose of confirming my previous letters sent via New York.

Your cable "Feliz" was received on the same day of the commencement of the national holydays, that is the 50th year of independent life, that coincidence made me think that your affairs are going on without any hitch, and if it is so, I congratulate you.

I suppose that you understood my cable of the 12th of August, which read as follows: Vapor Jacagua—reseltado Sordone—that was the only opportunity which we were able to find and to that effect we paid $100. here, you have to pay for everything here.

Our Mr. Pou, does not yield in his efforts to influence the Managers and editors of the newspapers of the locality to make publications about the products and wares, in other words he is complaining all the time. It is necessary that you should watch Villanueva and Garcia for I think that said parties have written Pou making propositions to him.

As in your previous letter you said that the friends would forward their products direct to us, and as heretofore he has not done so I would request you to take the proper steps so as to cause them to do so by first opportunity, it is urgent for us to completely liquidate

each series, because of the fact that the Inspector and others
48 in charge of the supervision of those operations demand it from us.

We wish you would have kindness to send us a letter-order for Mr. Michelena to the Bank of Canada instructing that in case that we should need any funds to supply same to us up to the sum of $10,000. This we do anticipating that we may have to pay one in the country, not as a demand, it is simply a request although our contract says five days previous and we do this as a precaution for the damage which our enemies here may do us.

Inasmuch as Mr. Pou not only is availing himself of the local papers to do mischief, but also influences those over there to reporduce what is published here, it seems to me that you could very well see to it that those publications be not reproduced and then he would fail.

On Monday the 18th I sent you the cable "Tocado" "Mas" "conforme a sus instrucciones" (in accordance with your instructions).

Don't forget that an effort must be made towards keeping the most absolute secrecy, both as to friends and enemies, because that is the only way in which it can be done without any fear.

By this German boat I am sending you two packages, containing "resultado" result, which I hope will take the necessary steps for its landing, otherwise they have orders to take them over to St. Thomas, and deliver same at the house of Otin so that you may send for them. By the Julia I will send you the other two that is, to complete the One thousand, and they go care of Sr. Ezequiel steward of the Julia, he carries instructions to deal with you in all what concerns the business, this party may also carry merchandise for you without any interruption.

I was informed to-day by a gentleman of this city that Garcia had written him asking him to tell me that on account of my
49 having done the operation with one alone those things were passing and I am writing him by this same mail dwelling upon said words.

By news which have reached me preparations are under way there for "scouting" on *on* area which will reach the Mona canal for the purpose of examining sail boats bound for there, and as a precaution, next time, we believe we ought to, dispatch the ship directly to St. Thomas, and address the packages of merchandise to one of the gentlemen of that city, so as to be on the safe side, for if they stop the vessel and make a search they can do nothing it being bound directly for St. Thomas, and as you have facilities, you may send a boat to transfer it at the port which you deem most convenient. Answer me about this.

The bearer of this letter, Sr. Aristides Rojas, is a person in whom we have absolute confidence and you may trust him anything you want.

In my last letter which I forwarded to you via New York, I tell you that it is absolutely necessary that you should come to an understanding with the consignees of the steamers thus being able to send them without and difficulty.

The steamer Jacagua arrived yesterday from St. Thomas, and returned to me the "comprobantes" because nobody called for them, in spite of my cable and of those of St. Thomas this will prove to you that if there has been any interruption it has not been on our account.

We are working so as to have ready the 4 drawings which remain for this year, but before that I would like you to remit me the largest sum that you can and I think that before the 15th of September you may send the ship, I mean to say, I will send you the agreed telegram five days prior to the 15th. Mr. Bhume called upon me to-day and asked me about the business and I told him that it was all over, that on account of the denunciations it had been impossible to keep on, and he stated to me that shortly after he had landed in San Juan a gentleman addressed himself to him saying that if he would tell him the method used for the introduction of the merchandises, that he would give him $2,000, that the Governor was very much interested in finding it out but he claims he did not accept, protesting that he was not a man who would commit such mean actions, this I did not believe because I consider him capable of committing any felony.

I think that all these details are not out of place because I deem advisable that you should know everything.

I am enclosing herewith another additional code, which I consider necessary. Please examine it and let me know if it is satisfactory to you, or whether you wish any change to be made.

Without any further particular and awaiting your pleasant news, I salute you.

Very truly yours,

JACINTO.

EXHIBIT R FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

AUGUST 22nd—Last hour.

MY ESTEEMED FRIEND: Those clippings which I am enclosing you herewith will convince you that the parties over there are the ones who are doing damage to you together with Mr. Pou here.

I think it would be very advisable for you to see Villanueva, Garcia and Toro, so as to see if you can arrive to an understanding and thus avoid further damage from them. An effort must be made to put an end to these happenings. Try to find out thorugh your friends if said parties carry or receive them from Mr. Pou. I am enclosing herewith a letter for Mr. Garcia which you will please mail to him if you deem it advisable. If I had had other kind of cover I would have forwarded you more "comprobantes" and in the future get some covers there suitable to hold a large quantity.

Today my friend has issued a draft for $600. in favor of Sr. Aristides Rojas, which you will credit to account.

I received your cable, in tne following terms: Remita. Resuma, only channel passengers of the German boat." I have been unable

to understand what do you mean by "Resuma"; I asked for rectification and you repeat the same, I think that that word ought to be "resultado" that is to say, "send lists, only with passengers." If so, that is the only way in which we intended to forward them; they go care of an employee of the steamer and Sr. Rojas carries instructions so as to see the manner of introducing them. I think it would be better to send a passenger in second class with that sole purpose, but we did not dare to do it without your authority. As the next will take place the 7th next, and the only opportunity which we have is by the French, I would like to know under whose care shall
52 I send the "results" as they have to go either by Mayaguez or Ponce, otherwise they would be delayed considerably.

53 EXHIBIT S FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 22nd, 1913.

Sr. Don Dimas Garcia, San Juan, P. R.

DEAR SIR: Through your friend Mr. Ripley I learned that you had sent word to me that that was the result for having done the operation with one party alone. And as I believe that you are mistaken, I am taking the liberty of writing you.

You know too well that if we did not carry out the operation was on account of your exigence that I should be held liable for any difficulties which the business might encounter, and as I considered this a dangerous proposition towards my interests, I could not accept it by any means. You should remember very well that you accepted the price of $2.10 for each, although you had offered me $2.05 and as I had the conviction that we would get them there at the agreed price I confined myself to recommend strongly that there should be delivered to you a certain quantity which I believe was done.

My conduct towards you I think it was correct as I notified you from here that upon the conditiones proposed by you nothing could be done; with your evasive I turned out to be the loser as I was unable to gain anything.

Subsequently I have learned that you and your other companions tried to do harm to me informing Mr. San Telmo of my trip. I fear nothing in that regard, but I will only tell you that if it is so that action was not very proper for I believe that nothing has been achieved thereby.

54 In all the acts of my life I have always been the same, and I am uncapable of doing harm to my worse enemy to revenge myself. You undertook to upset completely that man and you have succeeded, although I believe it has been to the prejudice of all concerned.

Without any further particulars, I salute you,

JACINTO.

55 EXHIBIT T FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 22nd, 1913.

Messrs. Cerecedo Hermanos, San Juan, P. R.

ESTEEMED SIRS: I confirm my previous letters and beg to inform you that you must not accept the promissory notes of Mr. Lahongrais, about the Auto, to address me directly for the payment of each of them, I believe further, that he should not have consented you to pay us $1,000. inasmuch as he was bound to pay it and collect it through my friend here.

I would ask you to do your best to remit us values for the purpose of liquidating the past accounts in furtherance of our interests.

I am enclosing you herewith a list of discs, Victor, so as to see if you can get them for me there and send the same to me with Aristides Rojas, the bearer.

Awaiting your pleasant news and with kind regards I remain,

Yours very truly, DR. MAÑON.

Give my regards to your folks.

I am enclosing you herewith the two promissory notes so that you may forward same to Mr. Lahongrais.—sole surety.

I forgot to tell you to please pay to Messrs. Pietrantoni Sojo on my account the sum of $88.

56 EXHIBIT U FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

Dr. Jacinto Y. Mañon, 19 de Marzo N. 28, Santo Domingo.

SANTO DOMINGO, Agosto 23, 1913.

Messrs. Cerecedo Hermanos, San Juan.

DEAR SIRS: The present is for the purpose of confirming my previous letters and to inform you that under date of yesterday we issued a draft for the sum of $600. in favor of Sr. Aristides Rojas, I would request you also to please credit to Mr. Pitrantoni Sojo, the sum of $88 which you will charge to my account.

Mr. Ernesto George, employee of the steamer, first cabin steward is in charge of the results and I hope he will be satisfied, and at the same time you may deal with him in the future.

With all consideration, I salute you,

Yours truly, JACINTO MAÑON.

Please have the kindness to quote me prices on a good typewriting machine, Oliver, Underwood of Remington.

To secure a passenger is impossible the only way is to send some

one expressly and that trip would be somewhat expensive, but if you deem it advisable, you may order it, and beforehand I tell you that we count with persons of our absolute confidence who would make the trip with pleasure. Now it is up to you to decide this matter.

57 EXHIBIT V FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

SANTO DOMINGO, August 27th, 1913.

Señor Don Marcial G. Hermida, San Juan,

ESTEEMED FRIEND: Through my lady friend of Mayaguez, I have learned the untarnished (?) war which is being waged, and you may rest assured that it is only due to the intrigue of Sr. Pou and those of San Juan who are helping him.

She tells me that in her opinion it would be very advisable and for the good of your interests, that you should not take any document to your house, get another house where you can make the operation freely, I think she is right, in view of the active persecution made to you. I also believe that you ought to make the distribution of all the series as soon as you can, so that you may rest, and that each one, wait for theirs, if you should do so, you would obtain two advantages: 1- that the dealers would have more time to place them, without fear of none being left, and 2nd. that you would be more tranquil, and if any searches should be made nothing would be found, and your enemies would be caught in an untruth. I make these suggestions to you in the best of faith as I would not like in any manner that you should get into trouble.

We know positively that the editors or owners of the newspapers published in your country, are paid, like those over here, to publish all what may be prejudicial to the Association and its enterprise. We have taken steps here to stop that, but our efforts have been of no avail, do the same in your country, so as to see if you can get what we have not been able to get here.

58 I think that the time is ripe for telling Mr. Pou, in your country what he really deserves, he is very dirty, and he should be treated as becomes his conduct. It was absolutely impossible for me to obtain that my passenger should take the "Results" and upon recommending me to the steward, the bearer, I availed myself of the opportunity so as to avoid delay, besided I gave instructions to the friend of the draft to explain to him why I had not complied with his orders.

I suppose that you will know that Sr. Cabral (P) is a true enemy of the matter, he takes great interest in investigating things, and further, I have been informed that last month he landed in Mayaguez with a quantity from Julio Pou, but I am not able to say whether he succeeded in placing them or brought them back, I think that a through investigation should be made to fix him in his right place. I don't know how and by whom they have learned

how the last effects were transferred, the fact remains that Pou knows something about it, and whether it be true or not, I think that it is necessary to find other means so as to be sure of not being detected, and for that purpose you ought to go down to Ponce, and see the friend down there, and make a combination entirely satisfactory for the matter. If I say this to you is because the Ponce friend wrote me a letter stating that everything was quiet down there, that nobody had made any investigation nor search there, That being so, you should take advantage of that channel for the introduction of the balance. I also believe that you ought to make the distributions by places of all those that you may have, and so we will feel tranquil, because the Ponce friend complains that he gets them rather late, and for that reason he cannot display his activities as he used to. In order that the "Results" should
59 meet no obstacle, send several addresses for each place, telling me the number which I ought to send to each of them, and I will forward them direct from here. The only expense will be the postage, but I deem it small, compared with the expenses involved in sending them by hand.

I propose this to you because I am doing it so with my lady friend of Mayaguez and of Guayama, and they receive it immediately. Do it so and you will see that every one of the dealers receive them directly without any trouble, and that effect I am sending you a sample cover so that in case you may get them there, to send me 100 or 200 of different shapes and colors but they must be invisible. Take note of this proposition and send me immediately the addresses of the persons in each place. Some days ago I received a letter from Mr. Galvan, asking me to write you stating what has happened, I intend to do it by next mail.

When you happen to see Mr. Gallar take up the matter with him relative to the transportation of the Results, he may come here and take them with him very well. See him and speak to him at length about the matter, as he may be very useful to you at this time. If you wish, I will have no objection to write him about it you know that my wishes are to see it completely louvant. Yesterday I saw a letter from Mr. Perez from there, and he assures that Agapito and Villaneuva wrote to Pou, asking him to increase to $10,000/ that they would take 5,000 to sell them at $2.

Nothing has been said here up to date, he has not even taken any steps for the increase, I will advise you of everything that should happen here in that regard. Do all what you can, to get those two fellows near you again, at least during the time necessary for the lye to settle, I think it would be highly convenient for you to-day. Perhaps by allowing them a satisfactory
60 reduction you might obtain it. I have learned also through the same party that the matter of persecution is still very active but I think that all can be arranged, if that is so, take all necessary steps with said parties to see if the Detectives become again indifferent and tolerant. I think that those steps will be very opportune at these moments, for we are almost ready now to dispatch the balance of the products, and it would be very sad that

you should now meet failure. Do not forget to take steps towards the consignees for the shipment of the Results, that is the mainstay of the business; although if you send me a detailed note of the addres- in each place they would go directly, and they would receive them without delay. The steward of the Julia, the bearer, of the balance of the "Results" you may have a long talk about the affairs, and deliver him all what you have to send me, he is a person whom you can trust and I am sure that he will be very useful to you. And in closing I would recommend you to have much calm, absolute secrecy, and much military strategy, until you obtain smoothing up everything.

Keep well and awaiting your pleasant news, I remain, etc.

J.

(In pencil:)

These activities or new form, have no other expense but postage.

Name and surname—Street. No. of the house—San Juan P. R. indicating the number of the result for each one.

Do. do. Bayamon.

304 addresses—and number of the Result, which I have to send to each one, and so forth.

61

Addresses for.....Arecibo
do. do.....Aguadilla
do. do.....Hormigueros
do. do.....Lajas
do. do.....San German
do. do.....Yauco

etc. that is to say, for all the points where you keep products, assuring you that in that way everything will go on without delay, as I am doing with the lady friend of Mayaguez, and she has never had any trouble. She forwarded me 6 addresses and I send them by each mail. I do not ask that of Ponce, because I am writing to-day to the friend asking them from him so as to send them directly.

62 EXHIBIT FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

SANTO DOMINGO, September 1st, 1913.

DEAR SIR AND FRIEND: Expecting to hear pleasant news from you, I am writing this with the purpose of requesting you not to let anybody know that you are allowing us 5% commission and as that is not so it causes harm to us; people coming from there said so. In case you should need to furnish information relative to the expenditures, you may say what you are allowing, so as to reduce the number of enemies.

We also have people watching us and finding out what there is in this matter.

I confirm what I told you in my previous letter, within a few days we will be through and I think you ought to avail yourself of the easiest opportunity, and one involving no danger; have everything prepared so that as soon as you receive notice you may proceed without delay lest it will be too late.

Your protracted silence leads me to believe that the "Resultados" were received without any mishap, if so, I am very glad.

Avail yourself of the opportunity and arrange all matters with Ezequiel, steward of the J. in a sarisfactory manner.

Do the best you can to remit the largest possible sum as my friend so demands it from me.

By a letter which I saw from there I learned that the lost ones finally got to your hands, somewhat late, but some must have been saved.

Do not forget to quote prices on typewriting machines, as the prices here are very high.

The following words are to be added to the list of our combinations:

63 Firmas: Sr. Pablo C. B. left to day for there, we believe he is taking with him merchandise from Pou, try to find out at which port he lands.

Vulcani: We suspect that the schooner or sloop which left to-day for San Juan, carries Pou's merchandise.

Goma: Make all efforts to find out whom or who receives Pou's merchandise, we are acting accordingly here.

Mr. Aristides Rojas, whom I recommended to you is a good friend and I hope you will treat him well and will try his usefulness.

My lady friend at Mayaguez has refused to pay them at $2.15, only $2.10 as per understanding with you, what do you have to say?

The one from Ponce received 3,300 which were credited to account.

Awaiting a satisfactory reply, I remain,

Very truly yours,

——— ———.

64 EXHIBIT X FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

September 2nd, 1913.

At the last hour 4 p. m.

If the line should be interrupted on account of the political affairs of the country, place funds by "areogram" to our order, but it is better that you remit the largest sum possible to be on the safe side in case that——

No matter what they talk there about our political movements we will have no interruption whatever in effecting them and if anything should cause that to happen, which must be "force majeure we will advise you.

Greetings.

J.

65 EXHIBIT Y FOR GOV'T, # 553, CR.

Filed March 27th, 1914.

September 4, 1913.

Dr. Jacinto Y. Mañon, Santo Domingo.

DEAR SIR AND FRIEND: I beg to acknowledge receipt of all your letters which came to hand through different channels and which I will be pleased to answer one of these days, not being able to do it to-day on account of the hurry of the steamer Preasidente.

I have to make a long and much varied recital of the events which have been developing owing to the gratuitous enemies of that institution; your virtuous countrymen Don Demetrio Garcia, Don Virgilio Alvarez, Don Amiama Gomez, Mr. Cedeño and some others whom I don't remember are truthful witnesses of the facts, all of them will give with profusion of details a statement of what has taken place, and it can be said with all certainty that the most harmful beast existing in the Dominican republic responds to the name of Julio Pou, whose true name should be, Sewer of human dross.

Of the issue of the 3rd of August, the same day of the drawing there were turned over by the gentlemen, who are not gentlemen but bastards, 2,500 tickets, returned, with the mean intention of doing damage to the interests of that institution and my own.

Of the drawing of August 17th the gentlemen of Ponce returned to A. de Lahangrais 1,000 tickets which could not be sold because the police was making strenuous efforts to seize them, these, were returned to you through Mr. Ambrosiani who left on the "Julia,"

66 the sellers for Agapito and Villanua returned 1,500 the day before the drawing, all squeezed and in such a bad shape that many of them could not be identified.

All the material which we have *reviewed* here except the 1,000 which I forwarded by the Julia was carried out in the presence of the Dominican gentlemen above mentioned, and have kept here in sacks pending your instructions as to whether they should be mutilated or returned to you. I have deducted the commission on these 5,000 not used plus the amount thereof. I hope that you will consider this matter with all impartiality and that you will decide what you see fit.

I enclose herewith account current to date there remaining a balance in your favor, save error or omission, of $52,618.96. The other particulars of your letter shall be duly answered.

Yours truly,

———.

67 *Invoice of Values Forwarded Through Mr. M. Ambrosiani by Steamer Julia to Don Jacinto Mañon, of Santo Domingo.*

1 package containing:

10	packages	M. M...	$2,920.50
4	do.	M. V...	602.50
5	do.	Casa...	1,410.00
2	do.	B. C...	313.50
3	do.	P. E...	273.
4	do.	J. R...	460.
4	do.	C. G...	152.50
2	do.	I. I...	148.
2	do.	J. A. P...	328.
3	do.	C. S...	77.
3	do.	L...	33.
2	do.	N. M...	32.
1	do.	G. M...	31.35
2	do.	J. A...	30.
1	do.	s/n...	167.
1	do.	M. G. U...	17.50
1	do.	A. R...	16.
1	do.	A. V...	30.
1	do.	A. P...	27.
1	do.	P. J...	50.
1	do.	R. J...	19.
1	do.	M. O...	18.
1	do.	A. C...	10.
1	do.	F. del V...	10.
1	do.	M. C...	10.
1	do.	R. V...	10.
1	do.	A. V...	37.50
1	do.	S. P...	5.
1	do.	A. D...	10.
1	do.	S. F...	25.
		s/n...	3.
			$7,276.35
1	do.	s/n...	3.00
1	do.	A. G...	10.
1	do.	Varios...	6.
1	do.	s/n...	2.50
1	do.	M. G...	20.
		s/n...	19.
		M. M...	$7,336.85
		Varios (Various)...	155.
			30.
			$7,521.85

San Juan, August 31, 1913.

68 *Schedule.*

Julio	20.	Delivered as per order to M. Mañon	$25.
		100 copies to J. Pichardo	215.
		Delivered as per order to M. Mañon	25.
		" to Pacheco	3.50
		Remittance in values	4,866.50
		" drafts	4,133.50
August	3.	" values	3,650.
		" drafts	1,600.
		150 copies to jj. Pichardo	322.50
		Paid to Korber	153.14
		" "	1,000.00
		2,500 copies played 1.80	4,500.
	17.	2,500 " played 1.80	4,500.
		Commission on 5,000 4%	360.
		" " 2,000. lost	144.
		Remitted by steamer Julia	7,521.35
		30 reams white tissue paper	60.
		Draft of Aristides Rojas	600.
		Paid to Pietrantoni	88.
		Account of Gonzalez Padin	8.
			33,775.49
		Remitted to-day	1,670.
			35,445.49

69 *Invoice of Values Forwarded Through Don Aristides Rojas by Steamer Preasident to Don Jacinto Mañon.*

1 package with:

1 envelope	marked	A. R	$19.
1 "	"	"	5.
1 "	"	A. V	20.
1 "	"	A. G	17.
1 "	"	C	30.
1 "	"	s/n	108.
1 "	"	"	100.
1 "	"	"	10.
1 "	"	M. C	10.
1 "	"	M. G	21.
1 "	"	C	200.
1 "	"	C. G	800.
1 "	"	"	15.
1 "	"	"	128.
1 "	"	"	187.
			$1,670.

70 *Schedule.*

1913.				
August 3.	2,500 tickets returned by Agapito del Toro and M. Villanua.....	$4,500.		
	Prizes thereon.....	600.		
				$3,900.
" 17.	1,500 tickets returned by the sellers del Toro and Villanua.....	$2,700.		
	Prizes on the same.....	250.		
				2,450.
	1,000 tickets which could not be placed in Ponce and which have been forwarded by steamer Julia.	.....		1,800.
				$8,150.
	Commission on 5,000 tickets $9,000 at 4%.....	$360.		
	do. on 2,000 stolen and which I should not pay for; $3,600—4%	144.		
	30 reams white tissue paper at $2. ream	60.		
	Account of Gonzalez Padin for 9 discs	8.		
				572.
				$7,578.
Sept. 4.	Our remittance in values of this day	$1,670.		

71 *Schedule.*

1913.				
July 20.	His remittance of $5,000 at.....	$1.80..		$9,000.
	" commissione			360.
	Cable			47.95
Aug. 3.	His remittance of 10,000.....	1.80..		18,000.
	Commission			720.
	Cables			46.50
Aug. 17.	His remittance 8,000.....	1.80..		14,400.
	Commission			360.
Sept. 7.	His remittance 8,000.....	1.80..		14,400.
	Commission			360.
22.	His remittance 8,000.....	" ..		14,400.
	Commission			360.
October 12.	His remittance 8,000.....	" ..		14,400.
	Commission			360.
	Prizes of the 3rd.....			600.
	" of the 17th.....			250.
				$88,064.45
			$88,064.45	
			35,445.49	
			$52,618.96	

72 September 1, —.

Se/or Don Jacinto Mañon, Santo Domingo.

VERY ESTEEMED FRIEND: This is an addition to my letter of this date to inform you of the following payments made as per vouchers:

Draft No. 643 o/ Don Aristides Rojas o/ Don M. Cerecedo...	$600
Account of Messrs. Pietrantoni & Sojo, auto supplies.....	88
Total.....	$688

which I have charged in account.

I also hereby inform you that you may deliver to my friend Don Manuel Ambrosiani the sum of $100, which when paid you will charge to the account of your respectful and truthful servant.

——— ———.

73 EXHIBIT Z FOR THE GOV'T, # 553, CR.

Filed March 27th, 1914.

Code.

Postal.—The ship has not been able to sail and I am taking steps to get another ship to go out to fetch the merchandise.

Sorbian.—Desires that we should ship merchandise by French steamer, to deposit same in the house of A. Lugo.

Sorcion.—It is easy to charter a schooner here to take the merchandise to San Juan.

Sordone.—I authorize you to charter a schooner to bring the merchandise, and you may offer from $300 to $500 bound for St. Thomas, but passing in front of our port so as to make the transfer to the boat which will go out to get them.

Aduana.—Chartered schooner sailed to-day.

Disuelto.—I believe it is more convenient to send ship after them they are less liable to be caught.

Avenue.—As to the suggestion which you make to deposit merchandise in St. Thomas, I am considering it, and will answer you by letter.

Stipule.—At these moments there is a shortage of gasoline, it would be convenient that the ship that is coming should bring as many cases as she can, quotations here between $4 and $4.50.

Stiretre.—Try to send a quantity of onions in chartered ship there are few in the market and I believe they would command good prices.

Stirpame.—Do. the same concept as the preceding, but let her bring potatoes.

Stuello.—Do. do. but let her be loaded with rice.

Answer.

Sperguira.—The chartered vessel carries the article or articles suggested by you.
Speranza.—Schooner with merchandise sailed bound for Mayaguez and has instructions to proceed to St. Thomas, if it should be impossible to make operation in the first port.
Spenta.—The schooner sailed to-day bound for Mona to wait for vessel dispatched by you. Watchword: Sirviente.

74

Code.

Activo.—Merchandise ready for shipment, order manner.
Actuado.—Be careful for receiving merchandise, suspect information.
Aceptado.—The steamer carries the goods with the purpose of landing them at — have vessel ready to receive them, and if it is not possible, they will have to be procured in St. Thomas.
Armason.—The lists were forwarded by steamer.
Colonial.—Dispatched to-day sailing vessel with the merchandise.
Canalera.—French steamer.
Edificado.—American steamer left to-day with merchandise via New York.
Entregado.—You may ship merchandise by steamer — and consign the same to the house of A. Lugo & Co., of St. Thomas, I will send for them as soon as I receive advise.
Marcado.—Ship merchandise by German steamer leaving that port on the 22nd of July, consigned to one of the houses of Lugo & Co., or Pablo Otin of St. Thomas, that a sail boat will go there to get them.
Modelado.—Forwarded only one issue or series.
Negociamos.—Do not ship goods, I will send for them as the other time, a sail boat.
Pacibo.—Goods shipped to-day by steamer —.
Pizarrones.—Forwarded only two issues or series.
Romanesco.—The goods are in St. Thomas in the house of —.
Ripiados.—Give orders by cable to deliver values.
Locarren.—Give orders to Messrs. Lugo or Ofin to deliver goods as soon as requested.
Tejamaniles.—Forwarded only three issues or series.
Techado.—German steamer.
Colonial.—Dispatched to-day sailing boat with goods.

75

Supplementary Code.

Surtidos.—I sent lists to-day by German steamer —Call for them.
Destino.—Do. do. do. French do.
Ynfluya.—Do. do. do. Julia.
Pianola.—Do. do. do. by sail boat bound for St. Thomas with the agreement to pass in front of San Juan so that you may send out a boat to get them with this name: Mr. Smith, London.

Pianol.—The same contents as the preceding but bound for San Juan.

Parcon.—The same as the foregoing but in addition to the lists it carries merchandise consigned to St. Thomas, but with instructions to deliver it to the boat which you send after them.

Parcones.—Do. do. do. directly to San Juan.

Medicina.—National steamer Jacagua, which left this port to-day direct for St. Thomas, carries the goods and the lists and will pass in front of San Juan so that you may send sailing boat to pick them, and if not possible, call for them in St. Thomas, at the house of A. Lugo & Co.

Medicinas.—Do. do. do which left direct for San Juan. id. id.

Capricho.—National steamer Viking which left, etc., the same as the preceding.

Caprichoso.—Do. do. direct for San Juan, contents the same as the preceding.

Correcto.—The first and the second prize fell there.

Kreso.—The lists forwarded by steamer were received without difficulty.

Vacuna.—I was unable to land the lists I ordered to take them to St. Thomas.

Notas.—Do not fail to forward by Julia the other lists, those received are not sufficient.

Todo.—Do not forward any more lists, those received will do.

Necesario.—It is urgent that you order delivery of values as soon as possible.

Confor.—I immediately ordered by cable the Bank of Canada or Michelena to deliver values.

Estudiosa.—Send lists through the consignees at Mayaguez, it has been so arranged, that is, care of the steward of the French boat.

Gloria.—The same contents as the preceding only that it is the consignees at Ponce, c/o the same employee.

76

Medalla.—Lists shipped to-day by French steamer addressed to Mayaguez, in compliance with your instructions.

Melon.—Do. do. Ponce with instructions to deliver to Lahongrais or to the consignee.

Despide.—You may send lists to Ponce with the employee of the French steamer to be delivered to Lahongrais who is advised already to procure them.

77 *Code.*

Presentado.—Tell the Captain who went to get the products to obtain clearance for St. Thomas, so that if he is caught no search can be made, but to try to find an opportunity to land them before arriving at that place.

Llegamos.—Ship to be dispatched for Mayaguez but no operation should be done until my employee shows up.

Entregamos.—Dispatch for Ponce with the same instructions.
Ulcerine.—Dispatch for San Juan, etc.
Aleman.—Try to avoid vigilance at the arrival of the products for we suspect that Mr. Pou has denounced the sailing of the ship.
Despedido.—It would be advisable to write on each package the address of one of the merchants of St. Thomas as a matter of precaution.
Presentado.—Ship dispatched to-day according to your instructions.
Disuelto.—I think it is more advisable to send ship after them and are less liable to be caught.
Avenue.—As to your suggestion to deposit goods in St. Thomas I am considering it and will answer you by letter.

Do not forget to send addresses for the lists so there will be no delay. You may send what you wish with Mr. Virgilio
78 Mallol, you can trust him — those details so that the business should not suffer any interruption and for the purpose of a clear understanding between us I am sending the additional code which you will see.

Awaiting good news from you, I remain,
Very truly yours,

JACINTO.

Don't forget to come to an understanding with the steward (mayordomo) of the steamer Julia, because he may be very useful to you.

79 EXHIBIT AA FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

Juan Audinot, Employee of the Governor, San Sebastian, #42.

8	17	25	2.30		57 50	
			Cash.....	26		
				4		
				13		
						43
			Balance.....			14 50
					57 50	57 50
			Balance.....		14 50	
9	7	25			57 50	
			To date.....		72 00	
"	3	Acc't Entered.				
			Balance.....		72 00	

80 Enrique Betancourt.

Puerta de Tierra-Ponce de Leon School—Upstairs

8	17	Balance of his acc't.....	8 25		
9	7	25 2.30	57 50		
		Balance			65 75
		—	65 75		65 75
		Balance	65 75		
		Paid former acc't			8 25
9	3	Balance	57 50		
"	8	Cash			40 "
		"			16 25
		off—			1 25
			57 50		57 50
9	21	10	22 50		

81 L. C.

9	21	500	1075		
10	12	" "	1075	2 150	
8	3–17–7			2 070	95

82 Miguel Contreras.

9	7	50 @	230	115 "
		Balance		115 "
	3	Acc't sent today.		
"	7	[25]*	[230]*	[57 50]*
		Balance		115 "

83 Juan Cortijo.

Santurce.

9	7	10 ..... 2 40	24 00	
		Balance	24 "	
		—		
		Cash		19 00
		In Paper		5 "
			24 "	24 "
"	21	10	24 "	

[* Erased in copy.]

84

Cash.

9	7	Acc't of B—		2 070 95	
		Manuel Suarez			18 80
		Elisa Sojo			14 20
		Lolilo			29 "
		Others			6 45
		V. Rinaldi			30 —
		Juan Fernandez			57 50
		Enrique Betancourt.....			40 "
		Juan Cortijo			19 "
	9	Antonio Ramos			66 "
	10	Nicomedes Miranda			112 50
		Jacobo Ferrer			33 00
		Lolilo			86 "
		E. Betancourt			16 25
	12	Micheli			16 "
	13	Micheli			26 "
		Manuel Reyes			12 "
		B. Maldonado			7 50
	14	Tito Santos			20 00
		Micheli other acc't..	28	65 80	

85

Dolores Oliva.

9	21	15 @	2 40	36 "	
	"	2 ....." —		4 80	
		Cash			4 80

86

Pablo Elvira.

Sol. 27—Ground Floor.

			Former balance			3 00
8	17	75	493	2 25	168 75	
9	7	75	"	2 25	168 75	
			Values			118 "
						216 50
		—				
					337 50	337 50
			Balance		216 50	
8	30		Values			86 "
9	7	160	.....	2¼	225 "	
"	3		Acc't rendered today.			
			Balance		355 50	
		Returned	60 B.....		135 "	
					220 50	

			Cash			31
			Prizes			26
			Balance			163.50
					220 50	220
					163 50	
9	8		B.			
"	21		100 ..... 225 "			
87			Jacobo Ferrer.			
9	7	15	493	2.30	34 50	
"	3		Acc't sent—			
			Balance		34 50	
			Cash		33 00	
			Balance		1 50	
"	21	15	.....		34 50	
88			Juan Fernandez.			
			Commissions.			
9	7	25			57 50	
			Cash			57 50
					57 50	57 50
	21	50			115 00	
89			Francisca.			
9	21	15			2 40	36 00
90			Angela Furnier.			
9	21	3			2 50	7 50
91			Manuel Garcia.			
8	3	60			138	
9	7	25			57 50	
		25			57 50	
		67	(of 100-33)		150 75	
		3	of V. R.		6 90	

8	30	P.	Payments	.....	.....	20 00
		"		.....	.....	15
9	4	"		.....	.....	23
		"		.....	.....	125
		"		.....	.....	10
"	5	"		.....	.....	30
"	8	"		.....	.....	30
						157 65
					410 65	410 65
		—				
			Balance	.....	157 65	
"	21	100		2¼	225 00	

92

Domingo Gutierrez ..... 2 4 50 P.
To Suarez 1 2 50

93 Emo Iglesias.

8	17	25	493	2 25	56 25	
9	3	Acc't rendered today—				
			Balance	.....	56 25	

—

94 Y. C Joglar.

8	17	15	493	2 25	37 50	
9	3	Acc't rendered today.....			.....	37 50
					37 50	37 50

—

95 Pedro Julia.

9	7	10		2 30	23 00	
		Cash	.....		.....	23 00
"	7	25		2 30	57 50	
			Balance	.....	57 50	
		—				
	21	25		57 50		

96 (Lolilo.)

9	7	50	494	2 30	115 00	
"	3	Acc't rendered him				
			Balance	.....	115 00	
9	6	Cash	.....		29	
		By Cash	.....		86	86 "
					86	86
"	21	75			172 50	

97

Tickets		Handkerchiefs:	Prized P.
10	D.	4036	$10.
9	D.	12136	9.
6	D.	12144	6.
2	D.	11992	2.
10	D.	8833 June 29	5.
2	D.	1992 May 25	1.
			33.00
Discount 5%			1.65
			$31.35
Cash paid formerly			10.
Cash today			15.65
			57.00
To take from $94 Balance in your favor today			37.
			$94.

98

Gracia Micheli.

Hippodrome St., Stop 20.

8	17		Prior Acc't	94 00	
			Payments		
			Values ..... 31.35)		
			Cash ..... 10.00)		
			" ..... 15.65)		
					57 "
			Balance	.....	37 "
				94 "	94 "
		—	Balance	37 "	
9	7	75	2 35	176 25	
			Balance	213 25	
		—			
9	3		Acc't rendered today		
			Balance	213 25	
		—			
"	21	50	115 "		
		—			
"	12		Returned 28 of the 17th 8	.....	65 80
			" 21 " " 7– 9	.....	48 30
			Values	.....	16 00
			Cash	26	26 00
	13	21		48 30	

99 B. Maldonado.

8	7		4	2¼	9 00		
					9 00		
9	21		5	11 25			
"	13			Cash			7 50

100 Nicomedes Miranda.

9	7		75	Commissions	168 75		
				Cash			112 50
							56 25
					168 75		168 75
				Balance	56 25		
"	21		200		450 "		

101 Agustin Perez.

8	30	50	492	2¼	112 50		
	7			Cash 40 "			
	12			" 30 "			
				Balance			42 50
					112 50		112 50
				Balance	42 50		
"	17	75	493	2¼	168 75		
				Values 27 ")			
				Checks 23.33)			
				Tickets 81. ")			
				Silver 8.67)			140 "
				Balance			71 25
					211 25		211 25
9	3		Acc't rendered today		71 25		
				Balance	71 25		

102 Maria Quiñones.

7	21		8	2 35			18 80

103 Antonio Ramos.

8		Bal. of acc't			31 50	
9	7	25		2 30	57 50	
					89 00	
"	"	25			57 50	
		Delivered other trip				31 50
		" " new				5 00
9	3	Acc't rendered today				
		Balance			$110 "	
		Cash				66 "
		Balance		40 50		3 45
9	21	50			115 "	

104 Diego Rojas.

9	7	5	2½		12 50	
		8	2½		20 "	
		Balance			$32 50	

105 Elisa Sojo.

8	17	7	4.93	2 40	16 80	
		Cash				6 "
		Balance				10 80
					16 80	16 80
		Balance			10 80	
9		6	494	2 40	14 40	
					25 20	
"	3	Acc't rendered today			25 20	
		Balance				
9	6	Cash			10 80	
		Also			3 40	14 20
		Balance			11 00	
"	21	6		14 40		

106

Manuel Suarez.

Cojo.

8	17	8		2 35	18 80	
9	3	Acc't rendered today—				
9	7	6		2 35	14 10	
			Balance		32 90	
"	"	1			2 35	
	6	Paid—			.....	18 80
		B			.....	16 45
			Balance		$16 45	
9	21	10		23 50		12 00

107

Tito Santos.

8	3	Former balance			1 80	
9	7	15 @		2 30	34 50	
			Balance		36 30	
"	21	25		57 50		

108

Maria G. de Ubarri.

8	3	25	492	2 35	58 75	
		Values			.....	17 50
	17	25	493	2 35	58 75	
		Balance			.....	100 "
					117 50	117 50
			Balance		100 "	
9	3	Acc't rendered—				
	7	25		2 35	58 75	
		Values			.....	21 00
		—				
			Balance		137 75	
9	21	25		2 35	58 75	

109

Widow of Urrutia.

8	3	Balance of Acc't	17 40
9	3	Acc't rendered —	
		Balance	17 40

110 *Statement.*

9	21	Lilo	75
		Nicomedes Miranda	200
		Pablo Elvira	100
		Juan Cortijo	10
		Enrique Betancourt	10
		Jacobo Ferrer	15
		Juan Fernandez	50
		Pedro Juliá	25
		Gracia Micheli	50
		Manuel Garcia	100
		B. Maldonado	5
		Antonio Ramos	50
		Elisa Sojo	6
		Manuel Suarez	10
		T. Santos	25
		Dolores Olivo	15
		Quiñones	8
		M. Gestero	25
		Genoveva	10
		D. Paca	15
		A. Fournier	3

111 Genoveva Zayas.

9	21	10	2 40	24 00

112 EXHIBIT BB FOR THE GOV'T, #553, CR.

(Filed March 27th, 1914.)

August 25, 1913.

	A. L. y C.			Ponce
12	Pkgs. of	500	6,000	
	C. G.			Guayama
3	Pkgs. of	500	1,500	
	J. A. P.			S. J.
9	Pkgs. of	500	4,500	
	M. M.			H.
15	Pkgs. of	500	7,500	
	L. C. R.			
3	Pkgs. of	500	1,500	
	Y. H.			S. J.
3	Pkgs. of	500	1,500	
	J. R.			S. J.
3	Pkgs. of	500	1,500	
48	Pkgs.		24,000	

NOTE.—Less 1½ J. Robles.

Distribution:

Benito Carreras	450	
A. Perez	225	
— Perez	75	750

113 August 30, 1913.

J. A. P.
Returned:

1	Pkg. of	500	
1	" "	118	618

M. M.
Returned:

1	Pkg. of	500	
1	" "	500	1,000
			1618

Distribution:

A. Vigo	50	c
B. Carreras	100	c
Ml. Alvarez	25	c
J. Aranjo	15	c
Cedeño	100	c
Canada	25	c
Santos	2	
Suazo	1	P.
J. Negroni	50	368
Over		1250

114 August 30, 1913.

Bro't Forward	1250
Caguas	500
Remained	750

Distribution:

Pablo Elvira	100	
V. Rinaldi	100	
N. Miranda	50	
Lilo	50	
Ramos	50	325
		435

Sept. 3, 1913.

Maldonado	4	
Pio Richarri	20	
Pedro Juliá	25	
M. Gestera	25	
[Julio	10]*	
Juan Cortijo	10	
[Pedro Juliá	10]*	
M. Contreras	25	
Diego Rojas	5	
M. Suarez	6	130

115 Sept. 1, a/c B.

Tips to the Julia		
1000 Lists		12 00
Tips to President		
As per note.		
Auto to Ponce		
a/c L	30	
" G.	30	60
Expenses		
Telegrams during month		25
Agent in S. J.		
Cash		50
Tips—Carlos		
for L.		15
Tito Santos		
a/c trip to Utuado,		
Lares and interior		53 35

116 Sept. 3, 1913.

Bro't For'rd	7500	
Sold by Luz	....	31
	456	456
	306	

Fco Grillasca
50 Tickets.
Luciano Cano Delgado
25 Tickets.

[* Words and figures enclosed in brackets erased in copy.]

117 N.

1913.
7 30 "Embarco."
Have merchandise ready to send for it.

"Cotizen."
We have it ready, come for it.

Subida.
We have not got it ready workmen on strike and don't prepare material.

Feliz.
Merchandise arrived well and is now insured by the company.

Giren.
Send merchandise via New York by Cunard vessels to San Juan.

Aceptamos.
Left for New York today.

118 *Notes.*

1913.
8 10 Cumplido.
Arrived safely to my hands.

Resultado.
Send L. by Havre ships consigned to M. to the consignee, at least 1000.

Resuma.
Send lists by ship now in port.

Tocado.
By the Purser.

Nuevo.
By the Second Officer.

Formal.
Send merchandise to the West with orders, if offing is not good, to keep on to vicinity of Dock.

119 *Notes.*

1913.
8 10

Novedad.

Send sailing vessel, or smaller vessel to the place indicated—will be waiting with letter of delivery and countersign Resucitado.

Modelo.

I have merchandise before the public.

120 *Notes.*

1913. 1st trip on business.

Prices.

From	50	to	100	.....	2 50
"	200	"	500	.....	2 45
"	500	"	1000	.....	2 40

Discounts.

From	5	to	50	.....	nothing
"	50	"	100	.....	2½ o/c
"	100	"	500	.....	5 "
"	500	"	1000	.....	8 "
"	1000	"	10000	.....	10 "

Notes.

From 500 up, expenses of transportation for account and half.

For each 25, one postal.

July 28, '13.

Recibido.

Merchandise arrived from S. D.

121 *Notes.*

1913.

Marcial G. Hermido
P. O. Box 783.

Cantero Fernandez & Co.
P. O. Box 932.

Ramon Gonzalez Leon
P. O. Box 783.

Juan Bonet
P. O. Box 943.

Martin Zurbano
P. O. Box "

Jorge Espinosa Montero
P. O. Box "

[P. A. Casas Moras & Co.]*
P. A. Casanovas & Co.
Atocha.

Juan Bousse
Guayma.

122 N. of West.

1913.
8 10

J. Pichardo
Mirasol 58.

Ursulita Casanova
Mirasol "

S. Daria E. Vda de Baez
Candelaria 32

Maria Goico
La Rosa.

Daria E. Vda Baez
Candelaria 32.

Jesusa Salas
Box 5
Utuado.

Francisco G. Dragoni

123 N. of the South.

1913.

Francisco Rodriguez Cintron
Station Agent for the Southern Railroad.

[* Words and figures enclosed in brackets erased in copy.]

Carlos Lamoutt
Hotel Inglaterra
South.

F. Maldonado & Co.
Arecibo.

Jose Somohano
Cerra St. Stop 15 at side of Shops—
Santo.

Ernesto Gelabert
Station Agent, Vega Baja.

Monserrate Flores
Stop 22 Shops
Santurce.

I

I

Sandalio Marrero
Station Agent
Manati.

124 *General Notes.*

1913.

Juan Bonet
c/o Ramon Garrido
Guayaquil.

Luciano Cano Delgado
Varco Bueno.

Jaime Blanch
Mataro.

E. J.
H. R. Stop 38.

125 N. of J.

J. Silva.

"Valore Tabaco."
Have just received them.

"Consignacion."
Merchandise delivered.

Draft 500 (or other) dollars.
Merchandise that you want and which is ready.

126 *Notes 17th Aug., B.*

Settled. Miguel Contreras
Balance paid ..... 20 25 Acc't

Jacobo Ferrer
Balance ..... 12 50 Acc't

Settled. Pedro Juliá
Balance ..... 27 50 Acc't

Juan Marchan
Balance ..... 12 50 Acc't

Cash. Amiami Gomez 20 00
His acc't & I. O. U.

Rafael Villarino ..... Stop 6 San Augustin
10 @ 2 30 ..... 23 00 Acc't

(Filed March 27, 1914.)

Sheet No. 2. Account No. —.

Terms, J. Aranjo C. Name, San Sebastian.

Rating, Loans. Address, —— ——.

Credit Limit.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	10	493	2¼	22 50	9 6	Cash		22 50
9 7	15		2¼	33 75		Balance		33 75
				56 25				56 25
" 8	To Balance			33 75				
9 21	15			33 75				

Sheet No. 3. Account No. —.

Terms, Manuel Alvarez. Name, Aibonito.

Rating, Material Asta. Address, —— ——.

Credit Limit.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	15	493	2 30	34 50	8 23	Cash delivered		34 50
9 7	25			57 50				
				57 50				
" 8	To Balance			57 50				

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128 Sheet No. —. Account No. —.

Terms, Benito Carreras. Name, —— ——.

Rating, —— ——. Address, —— ——.

Credit Limit.

Date.		Items.	Folio V.	Debits.	Date.		Items.	Folio V.	Credits.
7	21	100		220 "	7	22			220 "
	26	100		220 "	8	12			220 "
8	12	200		440 "	"	30			440 "
				880 00					880 "
9	7	150		330 "					
		100		220 "					
8	17	2		4 40					
				554 40					
9	21	150		330 "					
		150	)	330 "					
10	12	150	330)						
		150	300)						

Sheet No. —. Account No. —.

Terms, Laureano Cantero. Name, Drafts and Exchange.

Rating, —— ——. Address, —— ——.

Credit Limit.

Date.		Items.	Folio V.	Debits.	Date.		Items.	Folio V.	Credits.
9	22	50		110 "					

129 Sheet No. —. Account No. —.

Terms, Mod sto Cobian.

Rating, —— ——.
Credit Limit.

Name, Comerio.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3	45		101 25	8 10	Values		77 "
					Balance		24 25
			101 25				101 25
	Balance		24 25				
" 7	25		56 25				
			80 50				
7							

Sheet No. 6. Account No. —.

Terms, Calenty Cobas.

Rating, Factory Shipments.
Credit Limit.

Name, Juncos.

Address, —— ——.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3	25	493	2¼	56 25				
9 7				56 25				

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130 Sheet No. 7.

Terms, A. C. Cedeño.

Rating, Business Agent.
Credit Limit.

Name, Pietrantoni & Sojo.

Address, —— ——.

Account No. —.

Date.		Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8	17	100	493 2¼	225 "	8 21	Cash		92 "
9	1	100	2¼	225 "		Values		3 50
						Balance		354 50
				450 "				450 00
9	7		B.	354 50				

Sheet No. 8.

Terms, Luciano Cano.

Rating, Delgado.
Credit Limit.

Name, Vega Baja.

Address, A/c Fruits.

Account No. —.

Date.		Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8	17	100	493 2¼	225 "	8 24	Cash		69 "
9	7	25	2¼	56 25		Returned	156	
				56 25		Cash		56 25
"	21	25		56 25				

131 Sheet No. 9.

Account No. —.

Terms, Manuel Cadilla.

Name, Caguas.

Rating, Commercial Agent.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 25	493	2 30	57 50	8 "			45 "
			57 50				
9 7 25		" "	57 50				
21 50		" "	115 "				

Sheet No. —.

Account No. —.

Terms, Franco Castañeda.

Name, Rio Piedras—Box 131.

Rating, —— ——.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
9 7 25		2 35	58 75				
			58 75				

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132 Sheet No. —. Account No. —.

Terms, L. C.

Name, —— ——.

Rating, —— ——.
Credit Limit.

Address —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
9 7	831		2070 95	9 6	M. S.		18 80
					E. S.		14 20
21	500 1075)				L.		29 00
10 12	500 1075)		2150 "		Various		6 45
					Balance		4152 50
			4220 95				4220 95
			4152 50				

Sheet No. —. Account No. —.

Terms, Banco Territorial.

Name, —— ——.

Rating, —— ——.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
9 8				9 8			

133 Sheet No. —. Account No. —.

Terms, José Davilla. Name, Caguas.

Rating, —— ——. Address, —— ——.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 4		2 30	9 20	9 12	To Santos		9 20
			9 20				
9 7 2			4 60				

Sheet No. —. Account No. —.

Terms, Juan Rosa Diaz. Name, —— ——.

Rating, Gurabo. Address, —— ——.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3 20		2¼	45	8 3	Cash		45 "
17 50		"	112 50				112 50
7 50		"	112 50				
21 50		"	112 50				

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134 Sheet No. —. Account No. —.

Terms, General Expenses.

Name, —— ——.

Rating, Specified.
Credit Limit.

Address —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 1	To C. H. & C.		3500 "	8 25	For a/c C. G.		30 "
3	Trip A. G.*a*		250 "		" " A. L.		30 "
17	" A. G.*a*				Commission		
3	T. Santos		66 "		For 1/10 A. G.		10 "
17	T. Santos		26 "				
	Lists of the 17th		62 "				
	ditto " " 8 "		75 "				
	T. a/c S. Conn.		25 "				
	Cables		25 "				
	Commissions		40 "				
			50				
	Suarez		20				
	B.		50				

Sheet No. —. Account No. —.

Terms, Andres Grillasca. Name, Acc't Drafts.

Rating, Utuado. C. Address, —— ——.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3	500)			8	Received		75 00
	335	2 15					
	165)		720 25		"		95 "
" 17	300)				"		17 "
	400	" "					
	100)		860 00		Balance		1 393 25
			1 580 25				1 580 25
			1 393 25				
	10 B. O. Gutierrez		23 "	8 17	Returned Sept. 12th from Adjuntas 41 of Medina		

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135 Sheet No. —. Account No. —.

Terms, Carlos Gallart. Name, Guayama.

Rating, —— ——. Address, —— ——.
Credit Limit.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits
7 13	200	492	2 15	430 "	7 13	Values		396 "
	Acc't			5 00		Balance		4590 "
8 3	600	493	" "	1290 0				
	Expenses			6 00				
8 20	500	494		1075 "				
	500	495		1075 "				
	500	496		1075 "				
	Expenses			30 0"				
				4986 "				
				4590 "	9 3	Values	187 "	
						"	128 "	
						"	800 "	
						"	10 "	
						"	15 "	1140 "
						Balance		3450 "
				4590 00				4590 "
				3450 ""	9 8	Values		135 ""

Sheet No. —. Account No. —.

Terms, Domingo Gutierrez. Name, Rio Piedras.

Rating, Grocery. Address, —— ——.
Credit Limit.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
7 24	102	492	2 20	224 40	7	Values		220 "
	10	"	2 30	23 "		Balance		27 40
				247 40				247 40
	Balance			27 40				
				27 40		Closed and Out		27 40

136 Sheet No. —. Account No. —.

Terms, Ramon Garcia. Name, N. Las Piedras.

Rating, —— ——. Address, —— ——.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	10	2 20	22 "	8	Cash to Santos		22 00

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Sheet No. —.

Terms, Francisco Grillasca.

Rating, Utuado. C.

Credit Limit.

Name, —— ——.

Address, —— ——.

Account No. —.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits
9 7	50	2 20	110 "				
			110 "				
" 21	200		440 "				

137 Sheet No. —.

Terms, Isaac Higuereta.

Rating, ——.

Credit Limit.

Name, L 52 Upstairs.

Address, —— ——.

Account No. —.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	100		225 00	8 20			120 "
					Balance		5 "
	Balance		225 00				225 "
			5 00		Cash		130 50
9 7	375		843 75		"	80 75	
22	375		843 75		"	318 "	
10 12	375		843 75			216 50	
							615 25
					Balance	98	98 80
					Bal.	3 20	

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Sheet No. —. Account No. —.

Terms, Celso Lopez. Name, Humacao.

Rating, ——. Address, —— ——.

Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 150		2¼	337 50	8	Cash to Santos		222 75
	B		337 50		51 Returned		144 75
7 100			225 00				
8 21 200 200			450 00				

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138 Sheet No. —.

Account No. —.

Terms, Arturo Lahongrait.

Name, Acc't Drafts.

Rating, Ponce.
Credit Limit.

Address, —— ——.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3	A 5	2000	492	4100 "	8	Draft favor Rojas		500 00
" 17		1000		2050 "				18000 "
	Tips			15 "				
9 7		2000		4100 "				
22		2000		4100 "				
10 12		2000		4100 "				
	Tips			30 "				
	"			5 "				
				18500 "				18500 "
				18500 "	8	Delivered to Colon		35 "
				18500 "		Sent to Dr. Mañon in values		3300 "
						Balance		14665 "
				18000 "				18000 "
9 12	Balance			14665 "				

Sheet No. —. Account No. —.

Terms, Arturo Lahongrait. Name, Acc't M. M.

Rating, Ponce. Address, of San Juan.
Credit Limit.

Date.			Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8	3	1000			2050	7	Delivered Values		683
	17	1000			2050				184 50
9	7	1000			2050				1231 "
									483 "
									318 "
			124 of Same returned.						148 50
									413 "
									142 "
									155 "
									100 "
									108 "
									100 "
									150 "
							1 check #46383		500 "
							To employer		110 "
									1324 "
					6150 00				6150 "
					1324 00				

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139 Sheet No. —.

Account No. —.

Terms, Arturo Lahongrait.

Name, Acc't M. Mesegues.

Rating, ——.
Credit Limit.

Address, —— ——.

Date.		Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8	3	1000		1150	7	values delivered		683 00
"	17	1000		1150				184 50
9	7	1000		1150				1231 "
								483
								318
								148 50
								413
								142
								155
								100
								108
								100
								150
						1 check on B. C.		500
						To his employer		110
						Tickets returned		266 60
						Balance		1357 40
				6450				6450
		Balance		1357 40				

124 of same returned.

Sheet No. —. Account No. —.

Terms, M. Lopez Cepero.

Name, —— ——.

Rating, Humacao.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
9 7 75		2¼	168 75	9 7	Cash to Santos		40 —
21 50			112 50				

140 Sheet No. —. Account No. —.

Terms, Manuel Meseguer.

Name Acc't Drafts.

Rating, San Juan.
Credit Limit.

Address, Invoice on Europe & U. S.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
7 13 500			1100 "	7			1100
500			1100 "				1100
500			1100 "				1100
8 3 500			1100 "				1100
9 7 500			1100 "				
25			55 "				
			1155 "				
" 21 80	to J. F. Pavon.						
40	" C. Suazo.						
20	" Jose Perez.						

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Sheet No. —.

Account No. —.

Terms, Juan J. Muñiz.

Name, —— ——.

Rating, Caguas.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
9 7 25		2 30	57 50	9 7	(Error)		57 50
" 21 125		" "	287 50				

141 Sheet No. —.

Account No. —.

Terms, Evaristo Martinez.

Name, Caguas.

Rating, Commissions.
Credit Limit.

Address, —— ——.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	47	492	2¼	105 75	8	To T. Santos		10 "
						Balance		95 75
				105 75				105 75
				95 75	9 12	To Santos		95 75

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Sheet No. —. Account No. —.

Terms, Joaquin Mendez.

Name, Caguas.
Address, —— ——.

Rating, Loans.
Credit Limit.

Date.		Items.	Folio V.	Debits.	Date.		Items.	Folio V.	Credits.
8	17 25	493	2¼	56 25	8	8	Cash		56 25

142 Sheet No. —. Account No. —.

Terms, Machin & Ramirez.

Name, San Lorenzo.

Address, —— ——.

Rating, Merchants.
Credit Limit.

Date.		Items.		Folio V.	Debits.	Date.		Items.	Folio V.	Credits.
8	3 25		492	2¼	56 25	8	20	Draft		56 25
"	17 50		493	2¼	112 50			Balance		112 50
					168 75					168 75
		Balance			112 50			To Santos		112 50
					112 50					
	7 50				112 50					
	21 50				112 50					

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Sheet No. —.

Account No. —.

Terms, Jacinto Y. Mañon.

Name, Santo Domingo, R. D.

Rating, —— ——.

Address, —— ——.

Credit Limit.

Date.	Items.	Folio V.	Debits.
7 20	a/c to M. Mañon		25 "
"	100 to J. P.		215 "
	a/c M. Mañon		25 "
	R. of Pacheco		3 50
	Sent him in values		4866 50
	Drafts		4133 50
8 3	Sent in values		3650 "
	Drafts		1600 "
	150 to J. P.		322 50
	a/c Korber		153 14
	Receipt from Ponce		1000 00
" 3	2500 played	1 80	4500 "
" 17	2500 " "	1 80	4500 "
	Less commission)		360 00
	And on 2000 lost)		144 00
	Sent C. Prem		7521 35
	30 Reams Paper		60 "
	1 Draft favor Rojas		600 "
	Pietrantoni		88 "
	a/c Records		8 "
" 17	150 to J. P. do.		322 50
9 7	150 " " "		322 50
21	150 " " "		322 50

Date.	Items.	Folio V.	Credits.
7 20	Remittance	5000	9000 00
	Commission		360 00
	Cables		3 60
8 3	Remittance	10,000	18000 "
	Commission		720 "
	Cables		4 95
" 17	Remittance	8,000	14400 "
9 7	" "	8,000	14400 "
" 22	" "	8,000	14400 "
10 12	" "	8,000	14400 "
8 3	Prizes of 3rd		600 "
" 17	" " 17th		250 "
	Commission of Aug. 17		360 "
	Telegrams in July		47 95
	" " " Aug.		46 50
	Commission Sept. 7th		360 00
	" " 21st		360 00
	" Oct. 12th		360 09

143 Sheet No. —. Account No. —.

Terms, Jacinto Y. Mañon. Name, Acc't of Drafts.

Rating, —— —— . Address, —— ——.

Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
	Forward				Forward		
	Values by Rojas		1670 00				
	Delivered to Font		2000 00				
20	150 to J. Pichardo		322 50				
	Remittance from Ponce		3300 "				

Sheet No. —.

Account No. —.

Terms, J. A. Perez.
Rating, Commissions.
Credit Limit.

Name, San Juan.
Address, —— ——.

Date.		Items.		Folio V.	Debits.	Date.		Items.	Folio V.	Credits.
7	26	500	168	2 20	1100 "	7	28	Paid		1100
	30	400	"	"	880 "		30	"		880
8	3	500	492	"	1100 "		14	"		1100
		100	"	"	220 "	8	14	"		320
	17	200	493	"	440 "		20	"		440
9	7	1500	494	"	3300			Balance		9900
"	22	1500	495	"	3300					
10	12	1500	496	"	3300					
					13640					13640
8	25	Balance			9900	9	10	Returned		
		Note.—200 pending of drawing #492.				"	7	1 Pkg. of 500 of the 17th		1100
9						"	7	1 " " 118 " " 7th		259 60
						"	21	1500		3300
						10	12	1500		3300
								Balance		1940 40
					9900 "					9900
		Balance			1940 40	9	12	Cash		319 00
"	21	100 Mateo Rosello						Values		181 "
		30 Joaquin Rey Beiro			69 "			Cash by Beiro		69 "
		200 Cecilia Espasas								
		45 Benj. Alonzo								

144 Sheet No. —.

Terms, Enrique Pietrie.
Rating, Loans.
Credit Limit.

Date.	Items.	Folio V.	Debits.
8 17 25	493	2¼	56 25
9 7 25	494		56 25
22 25	495		56 25
10 12 25	496		56 25
			168 75
	Balance		135 75
9 9 50			112 50

Account No. —.

Name, Sol 54.
Address, —— ——.

Date.	Items.	Folio V.	Credits.
8 20	Delivery		56 25
9 6	"		53 "
			135 75
			168 75
	Cash		33 "
10	overcharged		22 50

Sheet No. —.

Terms, Agustin Perez.
Rating, Loans.
Credit Limit.

Date.	Items.	Folio V.	Debits.
9 7 50		2¼	112 50
22 50		2¼	112 50
10 12 50		2¼	112 50
9 7 25		2¼	56 25
" 22 25		2¼	56 25
10 12 25	$506.25	2¼	56 25
	Balance		506 25
9 21 75			168 75

Account No. —.

Name, Cataño, P. R.
Address, Cash Sales.

Date.	Items.	Folio V.	Credits.

THIS PAGE IS BOUND

145 Sheet No. —.
Terms, Jose Robles.
Rating, Loans.
Credit Limit.

Date.			Items.		Folio V.	Debits.
8	25	375		494	2 20	825 "
		375		495	2 20	825 "
		375		496	2 20	825 "
9	7	58				127 60
						2602 60
						1650 "

Name, —— ——.
Address, —— ——.

Account No. —.

Date.		Items.	Folio V.	Credits.
9	8	Values		259 50
		Cash		693 10
				1650
				2602 60

Sheet No. —.
Terms, Pio Rechany.
Rating, —— ——.
Credit Limit.

Date.			Items.	Folio V.	Debits.
18	3	38		2¼	85 50
	17	25		2¼	56 25
9	7	20		2¼	45 "
	7	25			101 25
	21	25			56 25
					56 25

Name, Aguas Buenas.
Address, —— ——.

Account No. —.

Date.		Items.	Folio V.	Credits.
8	3	Returned to Santos		85 50
		Invoiced to T. S.		1 12

146 Sheet No. —.

Terms, Florencio Ramirez.
Rating, Business.
Credit Limit.

Name, Cayey.
Address, —— ——.

Account No. —.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 20		2 30	46 0	8 17	Cash Santos		46 "
21 50		2 30	115 "				

Sheet No. —.

Terms, Arturo Sanzenon.
Rating, Loans.
Credit Limit.

Name, Puerta de Tierra.
Address, —— ——.

Account No. —.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 25		493	2¼	56 25	9 6	To		20 "

147 Sheet No. —.

Terms, Jose Silva.
Rating, Commissions.
Credit Limit.

Name, Juncos.
Address, —— ——.

Account No. —.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 100		493	2 25	225 00	8 16	Values	186 "	
						Checks	34	220 00
						a/c freight		5 00
				225 00				
7 10			2 25					
21 600			2 25					

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Sheet No. —.

Account No. —.

Terms, Wenceslao Segarra.
Rating, Business.
Credit Limit.

Name, Gidra.
Address —— ——.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3 12		492	2 35	28 20	8	Cash		21 "
17 14		493	2 35	32 90		Returned		3 52
				69 10				36 48
								61 10
9 8	Balance			36 48				15 "
" 21 25			2 35	58 75				

148 Sheet No. —.

Account No. —.

Terms, Francisco Sirbent.
Rating, —— ——.
Credit Limit.

Name, Naguabo.
Address, —— ——.

Date.	Items.		Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17 10		493	2 40	24	8 17	To Santos		24 "
				24 "				
7 25			2 40	60 "				
21 40			2 40	96 "				

Account No. —. Sheet No. —.

Name, Miguel Savino.

Terms, Napoles.

Address, —— ——.

Rating, ——.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
				8 3	Values		75 00

149 Sheet No. —. Account No. —.

Terms, Manuel Siaca.

Name, Fajardo.

Rating, —— ——.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 17	25	2¼	56 25	8 17	To Santos		56 25
	7		" "				
	21 60	2¼	135 "				

6—285

Sheet No. —.

Account No. —.

Terms, Antonio Vigo.

Name, Caguas.

Rating, Coches.
Credit Limit.

Address, —— ——.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 12 50		493 2¼	112 50	8	Cash		50 "
" 27 50		494 2¼	112 50		Returned		62 50
				27	a/c Cash		36 "
					" Values		30 "
				9 2	" "		20 "
					Checks		20 "
					Balance		6 50
			225 00				225 "
9 8	B.		6 50	9 8	Delivered		6 50

150 Sheet No. —. Account No. —.

Terms, M. Villanua. Name, S. J.

Address, —— ——.

Rating, Loans.
Credit Limit.

Date.	Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
8 3	100	2 20	220 "	8 3	Values a/c J. Y. M.		305 "
9 7	50	2 20	110 "	12	" "	107 50	
	B		274 50		" "	43 "	150 50
					" "	412 "	
					" "	26 "	438 "
				9 7			16 "
			604 50				604 50
9 9	200		440 "				274 50

Sheet No. —.

Account No. —.

Terms, C. Vn.

Name, —— ——.

Rating, —— ——.
Credit Limit.

Address, —— ——.

Date.		Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
7	13)	To A. G. 100						
8	3)	" M. 100						
		" 75						
		" A. V. 100						
		" C. V. 150		525 "				
8	17	" C. V. 100						
9	7	" " 225						
"	22	" " 50						
10	12	" " 100						
		" " 200		675 "				

Sheet No. —.

Account No. —.

Terms, C. H. & C.

Name, San Juan, P. R.

Rating, Commissions.
Credit Limit.

Address, —— ——.

Date.		Items.	Folio V.	Debits.	Date.	Items.	Folio V.	Credits.
1	1				8	1 Cash		3500 "

151 EXHIBIT DD FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

Juan Araujo.

Exchange & Drafts.

Value today.

September 7, 15..... 33.75

I have the pleasure to remit draft for 15 — francs, which will be sent on the 22nd of the current month.

You can deliver the balance of your former acc't if you desire.

S. S.
M.

152

EXHIBIT EE FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

12 de Octubre, del 1913.

Paquete #1.

867	al	900
1967	"	2000
2067	"	2100
3167	"	3200
4267	"	4300
5367	"	5400
6467	"	6500
7567	"	7600
8667	"	8700
9767	"	9800
10869	"	10900
11969	"	12000
12069	"	12100
13169	"	13200
14269	"	12300

Paquete #2.

834	al	866
1934	"	1966
2034	"	2066
3134	"	3166
4234	"	4266
5334	"	5366
6434	"	6466
7534	"	7566
8634	"	8666
9734	"	9766
10835	"	10868
11935	"	11968
12035	"	12068
13135	"	13168
14235	"	14268

Paquete #3.

801	al	833
1901	"	1933
2001	"	2033
3101	"	3133
4201	"	4233
5301	"	5333
6401	"	6433
7501	"	7533
8601	"	8633
9701	"	9733
10801	"	10834
11901	"	11934
12001	"	12034
13101	"	13134
14201	"	14234

Paquete #4.

967	al	1000
1067	"	1100
2167	"	2200
3267	"	3300
4367	"	4400
5467	"	5500
6567	"	6600
7667	"	7700
8767	"	8800
9867	"	9900
10969	"	11000
11069	"	11100
12169	"	12200
13269	"	13300
14369	"	14400

Paquete #5.

934	al	966
1034	"	1066
2134	"	2166
3234	"	3266
4334	"	4366
5434	"	5466
6534	"	6566
7634	"	7666
8734	"	8766
9834	"	9866
10935	"	10968
11035	"	11068
12135	"	12168
13235	"	13268
14335	"	14368

Paquete #6.

901	al	933
1001	"	1033
2101	"	2133
3201	"	3233
4301	"	4333
5401	"	5433
6501	"	6533
7601	"	7633
8701	"	8733
9801	"	9833
10901	"	10934
11001	"	11034
12101	"	12134
13201	"	13234
14301	"	14334

Paquete #7.

767	al	800
1867	"	1900
2967	"	3000
3067	"	3100
4167	"	4200
5267	"	5300
6367	"	6400
7467	"	7500
8567	"	8600
9667	"	9700
10769	"	10800
11869	"	11900
12969	"	13000
13069	"	13100
14169	"	14200

Paquete #8.

734	al	766
1834	"	1866
2934	"	2966
3034	"	3066
4134	"	4166
5234	"	5266
6334	"	6366
7434	"	7466
8534	"	8566
9634	"	9666
10735	"	10768
11835	"	11868
12935	"	12968
13035	"	13068
14135	"	14168

Paquete #8.

701	al	733
1801	"	1833
2901	"	2933
3001	"	3033
4101	"	4133
5201	"	5233
6301	"	6333
7401	"	7433
8501	"	8533
9601	"	9633
10701	"	10734
11801	"	11834
12901	"	12934
13001	"	13034
14134	"	14134

153 12 de Octubre, del 1913.

Paquete # 10.

467	al	500
1567	"	1600
2667	"	2700
3767	"	3800
4867	"	4900
5967	"	6000
6067	"	6100
7167	"	7200
8267	"	8300
9367	"	9400
10469	"	10500
11569	"	11600
12669	"	12700
13769	"	13800
14869	"	14900

Paquete # 11.

601	al	633
1701	"	1733
2801	"	2833
3901	"	3933
4001	"	4033
5101	"	5133
6201	"	6233
7301	"	7333
8401	"	8433
9501	"	9533
10601	"	10634
11701	"	11734
12801	"	12834
13901	"	13934
14001	"	14034

Paquete # 12.

434	al	466
1534	"	1566
2634	"	2666
3734	"	3766
4834	"	4866
5934	"	5966
6034	"	6066
7134	"	7166
8234	"	8266
9334	"	9366
10435	"	10468
11535	"	11568
12635	"	12668
13735	"	13768
14835	"	14868

Paquete # 13.

401	Al	433
1501	"	1533
2601	"	2633
3701	"	3733
4801	"	4833
5901	"	5933
6001	"	6033
7101	"	7133
8201	"	8233
9301	"	9333
10401	"	10434
11501	"	11534
12601	"	12634
13701	"	13734
14801	"	14834

Paquete # 14.

534	al	566
1634	al	1666
2734	"	2766
3834	"	3866
4934	"	4966
5034	"	5066
6134	"	6166
7234	"	7266
8334	"	8366
9434	"	9466
10535	"	10568
11635	"	11668
12735	"	12768
13835	"	13868
14935	"	14968

Paquete # 15.

567	al	600
1667	"	1700
2767	"	2800
3867	"	3900
4967	"	5000
5067	"	5100
6167	"	6200
7267	"	7300
8367	"	8400
9467	"	9500
10567	"	10600
11669	"	11700
12769	"	12800
13869	"	13900
14969	"	15000

Paquete # 16.

501	al	533
1601	"	1633
2701	"	2733
3801	"	3833
4901	"	4933
5001	"	5033
6101	"	6133
7201	"	7233
8301	"	8333
9401	"	9433
10501	"	10534
11601	"	11634
12701	"	12734
13801	"	13834
14901	"	14934

Paquete # 17.

634	al	666
1734	"	1766
2834	"	2866
3834	"	3966
4034	"	4066
5134	"	5166
6234	"	6266
7334	"	7366
8434	"	8466
9534	"	9566
10635	"	10668
11735	"	11768
12834	"	12868
13935	"	13968
14935	"	14968

Paquete # 18.

667	al	700
1767	"	1800
2867	"	2900
3967	"	4000
4067	"	4100
5167	"	5200
6267	"	6300
7367	"	7400
8467	"	8500
9567	"	9600
10669	"	10700
11769	"	11800
12869	"	12900
13969	"	14000
14069	"	14100

154 EXHIBIT FF FOR GOV'T, #553, CR.

Filed March 27th, 1914.

21 de Septiembre, 1913.

			℔1.				Paquete ℔4.				Paquete ℔7.
1	al	33	£	401	al	433	&	367	al	400	
1101	"	1133	£	1501	"	1533	&	1467	"	1500	
2201	"	2233	£	2601	"	2633	&	2567	"	2600	
3301	"	3333	£	3701	"	3733	&	3667	"	3700	
4401	"	4433	£	4801	"	4833	&	4767	"	4800	
5501	"	5533	£	5901	"	5933	&	5867	"	5900	
6601	"	6633	£	6001	"	6033	&	6967	"	7000	
7701	"	7733	£	7101	"	7133	&	7067	"	7100	
8801	"	8833	£	8201	"	8233	&	8167	"	8200	
9901	"	9933	£	9301	"	9333	&	9267	"	9300	
10001	"	10034	£	10401	"	10434	&	10369	"	10400	
11101	"	11134	£	11501	"	11534	&	11469	"	11500	
12201	"	12234	£	12601	"	12634	&	12569	"	12600	
13301	"	13334	£	13701	"	13734	&	13669	"	13700	
14401	"	14434	£	14801	"	14834	&	14769	"	14800	
			℔2.				Paquete ℔5.				Paquete ℔8.
467	al	500	#	267	"	300	&	201	al	233	
1567	"	1600	#	1367	"	1400	&	1301	"	1333	
2667	"	2700	#	2467	"	2500	&	2401	"	2433	
3767	"	3800	#	3567	"	3600	&	3501	"	3533	
4867	"	4900	#	4667	"	4700	&	4601	"	4633	
5967	"	6000	#	5767	"	5800	&	5701	"	5733	
6067	"	6100	#	6867	"	6900	&	6801	"	6833	
7167	"	7200	#	7967	"	8000	&	7901	"	7933	
8267	"	8300	#	8067	"	8100	&	8001	"	8033	
9367	"	9400	#	9167	"	9200	&	9101	"	9133	
10469	"	10500	#	10267	"	10300	&	10201	"	10234	
11569	"	11600	#	11369	"	11400	&	11301	"	11334	
12669	"	12700	#	12469	"	12500	&	12401	"	12434	
13769	"	13800	#	13569	"	13600	&	13501	"	13534	
14869	"	14900	#	14669	"	14700	&	14601	"	14634	
			℔3.				Paquete ℔6.				Paquete ℔9.
434	al	466	%	334	"	366	&	301	al	333	
1534	"	1566	%	1434	"	1466	&	1401	"	1433	
2634	"	2666	%	2534	"	2566	&	2501	"	2533	
3734	"	3766	$	3634	"	3666	&	3601	"	3633	
4834	"	4866	%	4734	"	4766	&	4701	"	4733	
5934	"	5966	%	5834	"	5866	&	5801	"	5833	
6034	"	6066	%	6934	"	6966	&	6901	"	6933	
7134	"	7166	%	7034	"	7066	&	7001	"	7033	
8234	"	8266	%	8134	"	8166	&	8101	"	8133	
9334	"	9366	%	9234	"	9266	&	9201	"	9233	
10435	"	10468	%	10335	"	10368	&	10301	"	10334	
11535	"	11568	$	11435	"	11468	&	11401	"	11434	
12635	"	12668	%	12535	"	12568	&	12501	"	12534	
13735	"	13768	%	13635	"	13668	&	13601	"	13634	
14835	"	14868	%	14735	"	14768	&	14701	"	14734	

155 21 de Septiembre, 1913.

Paquete # 10.				Paquete # 13.				Paquete # 16.			
234	al	266	%	501	al	533	&	167	al	200	
1334	"	1366	%	1601	"	1633	&	1267	"	1300	
2434	"	2466	%	2701	"	2733	&	2367	"	2400	
3534	"	3566	%	3801	"	3833	&	3467	"	3500	
4634	"	4666	%	4901	"	4933	&	4567	"	4600	
5734	"	5766	%	5001	"	5033	&	5667	"	5700	
6834	"	6866	%	6101	"	6133	&	6767	"	6800	
7934	"	7966	%	7201	"	7233	&	7867	"	7900	
8034	"	8066	%	8301	"	8333	&	8967	"	9000	
9134	"	9166	%	9401	"	9433	&	9067	"	9100	
10235	"	10268	%	10501	"	10534	&	10169	"	10200	
11335	"	11368	%	11601	"	11634	&	11269	"	11300	
12435	"	12468	%	12701	"	12734	&	12369	"	12400	
13535	"	13568	%	13801	"	13834	&	13469	"	13500	
14–35	"	14668	%	14901	"	14934	&	14569	"	14600	

Paquete # 11.				Paquete # 14.				Paquete # 17.			
34	"	66	%	534	"	566	&	101	al	133	
1134	"	1166	%	1634	"	1666	&	1201	"	1233	
2234	"	2266	$	2734	"	2766	&	2301	"	2333	
3334	"	3366	$	3834	"	3866	&	3401	"	3433	
4454	"	4466	$	4934	"	4966	&	4501	"	4533	
5534	"	5566	#	5034	"	5066	&	5601	"	5633	
6634	"	6666	#	6134	"	6166	&	6701	"	6733	
7734	"	7766	#	7234	"	7266	&	7801	"	7833	
8834	"	8866	#	8334	"	8366	&	8901	"	8933	
9934	"	9966	#	9434	"	9466	&	9001	"	9033	
10035	"	10068	#	10535	"	10568	&	10101	"	10134	
11135	"	11168	#	11635	"	11668	&	11201	"	11234	
12235	"	12268	#	12735	"	12768	&	12301	"	12334	
13335	"	13368	#	13835	"	13868	&	13401	"	13434	
14435	"	14468	#	14935	"	14968	&	14501	"	14534	

Paquete # 12.				Paquete # 15.				Paquete # 18.			
67	"	100	#	567	"	600	%	134	"	166	
1167	"	1200	#	1667	"	1700	%	1234	"	1266	
2267	"	2300	#	2767	"	2800	$	2334	"	2366	
3367	"	3400	#	3867	"	3900	%	3434	"	3466	
4467	"	4500	#	4967	"	5000	%	4534	"	4566	
5567	"	5600	#	5067	"	5100	%	5634	"	5666	
6667	"	6700	#	6167	"	6200	%	6734	"	6766	
7767	"	7800	#	7267	"	7300	%	7834	"	7866	
8867	"	8900	#	8367	"	8400	%	8934	"	8966	
9967	"	10000	#	9467	"	9500	%	9034	"	9066	
10069	"	10100	#	19569	"	10600	%	10135	"	10168	
11169	"	11200	#	11669	"	11700	%	11235	"	11268	
12269	"	12300	#	12769	"	12800	%	12335	"	12368	
13369	"	12400	#	13869	"	13900	$	13435	"	13468	
14469	"	14500	#	14969	"	15000	%	14535	"	14568	

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Paquete No. 1.				Paquete No. 4.				Paquete No. 7.			
567	al	600	£	667	al	700	&	801	al	834	
1667	"	1700	£	1767	"	1800	&	1901	"	1934	
2767	"	2800	£	2867	"	2900	&	2001	"	2034	
3867	"	3900	£	3967	"	4000	&	3101	"	3134	
4967	"	5000	£	4067	"	4100	&	4201	"	4234	
5067	"	5100	£	5167	"	5200	&	5301	"	5333	
6167	"	6200	£	6267	"	6300	&	6401	"	6433	
7267	"	7300	£	7367	"	7400	&	7501	"	7533	
8367	"	8400	£	8467	"	8500	&	8601	"	8633	
9467	"	9500	£	9567	"	9600	&	9701	"	9733	
10569	"	10600	£	10669	"	10100	&	10801	"	10833	
11669	"	11700	£	11769	"	11800	&	11901	"	11933	
12769	"	12800	£	12869	"	12900	&	12001	"	12033	
13869	"	13900	£	13969	"	14000	&	13101	"	13133	
14969	"	15000	£	14069	"	14100	&	14201	"	14233	

Paquete No. 2.				Paquete No. 5.				Paquete No. 8.			
534	al	566	£	634	al	666	&	835	al	868	
1634	"	1666	£	1734	"	1766	&	1935	"	1968	
2734	"	2766	£	2834	"	2866	&	2035	"	2068	
3834	"	3866	£	3934	"	3966	&	3135	"	3168	
4934	"	4966	£	4034	"	4066	&	4235	"	4268	
5034	"	5066	£	5134	"	5166	&	5334	"	5366	
6134	"	6166	£	6234	"	6266	&	6434	"	6466	
7234	"	7266	£	7334	"	7366	&	7534	"	7566	
8334	"	8366	£	8434	"	8466	&	8634	"	8666	
9434	"	9466	£	9534	"	9566	&	9734	"	9766	
10535	"	10568	£	10635	"	10668	&	10834	"	10866	
11635	"	11668	£	11735	"	11768	&	11934	"	11966	
12735	"	12768	£	12835	"	12868	&	12034	"	12066	
13835	"	13868	£	13935	"	13968	&	13134	"	13166	
14935	"	14968	£	14035	"	14068	&	14234	"	14266	

Paquete No. 3.				Paquete No. 6.				Paquete No. 9.			
501	al	533	£	601	al	633	&	735	al	768	
1601	"	1533	£	1701	"	1733	&	1835	"	1868	
2701	"	2733	£	2801	"	2833	&	2935	"	2968	
3801	"	3833	£	3901	"	3933	&	3035	"	3068	
4901	"	4933	£	4001	"	4033	&	4135	"	4168	
5001	"	5033	£	5101	"	5133	&	5234	"	5266	
6101	"	6133	£	6201	"	6233	&	6334	"	6366	
7201	"	7233	£	7301	"	7333	&	7434	"	7466	
8301	"	8333	£	8401	"	8433	&	8534	"	8566	
9401	"	9433	£	9501	"	8533	&	9634	"	9666	
10501	"	10534	£	10601	"	10634	&	10734	"	10766	
11601	"	11634	£	11701	"	11734	&	11834	"	11866	
12701	"	12734	£	12801	"	12834	&	12934	"	12966	
13801	"	13834	£	13901	"	13934	&	13034	"	13066	
14901	"	14934	£	14001	"	14034	&	14134	"	14166	

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Paquete No. 10.

869	al	900	£
1969	"	2000	£
2069	"	2100	£
3169	"	3200	£
4269	"	4300	£
5367	"	5400	£
6467	"	6500	£
7567	"	7600	£
8667	"	8700	£
9767	"	9800	£
10867	"	10900	£
11967	"	12000	£
12067	"	12100	£
13167	"	13200	£
14267	"	14300	£

Paquete No. 11.

769	al	800	£
1869	"	1900	£
2969	"	3000	£
3069	"	3100	£
4169	"	4200	£
5267	"	5300	£
6367	"	6400	£
7467	"	7500	£
8567	"	8600	£
9667	"	9700	£
10767	"	10800	£
11867	"	11900	£
12967	"	13000	£
13067	"	13100	£
14167	"	14200	£

Paquete No. 12.

701	al	734
1801	"	1834
2901	"	2934
3001	"	3034
4101	"	4134
5201	"	5233
6301	"	6333
7401	"	7433
8501	"	8533
9601	"	9633
10701	"	10733
11801	"	11833
12901	"	12933
13001	"	13033
14101	"	14133

Paquete No. 13.

967	al	1000
1067	"	1100
2167	"	2200
3267	"	3300
4367	"	4400
5467	"	5500
6567	"	6600
7667	"	7700
8767	"	8800
9867	"	9900
10969	"	11000
11069	"	11100
12169	"	12200
13269	"	13300
14369	"	14400

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Paquete No 14.

934	al	966	£
1034	"	1066	£
2134	"	2166	£
3234	"	3266	£
4334	"	4366	£
5434	"	5466	£
6534	"	6566	£
7634	"	7666	£
8734	"	8766	£
9834	"	9866	£
10935	"	10968	£
11035	"	11068	£
12135	"	12168	£
13235	"	13268	£
14335	"	14368	£

Paquete No. 15.

901	al	933	£
1001	"	1033	£
2101	"	2133	£
3201	"	3233	£
4301	"	4333	£
5401	"	5433	£
6501	"	6533	£
7601	"	7633	£
8701	"	8733	£
9801	"	9833	£
10901	"	10934	£
11001	"	11034	£
12101	"	12134	£
13201	"	13234	£
14301	"	14334	£

Paquete No. 16.

67	al	100	£
1167	"	1200	£
2267	"	2300	£
3367	"	3400	£
4467	"	4500	£
5567	"	5600	£
6667	"	6700	£
7767	"	7800	£
8867	"	8900	£
9967	"	10000	£
10069	"	10100	£
11169	"	11200	£
12269	"	12300	£
13369	"	13400	£
14469	"	14500	£

Paquete No. 17.

34	al	66	
1134	"	1166	
2234	"	2266	
3334	"	3366	
4434	"	4466	
5534	"	5566	
6634	"	6666	
7734	"	7766	
8834	"	8866	
9934	"	9966	
10035	"	10068	
11135	"	11168	
12235	"	12268	
13335	"	13368	
14435	"	14468	

Paquete No. 18.

1	al	33	
1101	"	1133	
2201	"	2233	
3301	"	3333	
4401	"	4433	
5501	"	5533	
6601	"	6633	
7701	"	7733	
8801	"	8833	
9901	"	9933	
10001	"	10034	
11101	"	11134	
12201	"	12234	
13301	"	13334	
14401	"	14434	

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Paquete # 10.

201	al	933	£
1301	"	1333	£
2401	"	2433	£
3501	"	3533	£
4601	"	4633	£
5701	"	5733	£
6801	"	6833	£
7901	"	7933	£
8001	"	8033	£
9101	"	9133	£
10201	"	10234	£
11301	"	11334	£
12401	"	12434	£
13501	"	13534	£
14601	"	14634	£

Paquete # 11.

35	al	68	£
1135	"	1168	£
2235	"	2268	£
3335	"	3368	£
4435	"	4468	£
5534	"	5566	£
6634	"	6666	£
7734	"	7766	£
8834	"	8866	£
9934	"	9966	£
10034	"	10066	£
11134	"	11166	£
12234	"	12266	£
13334	"	13366	£
14434	"	14466	£

Paquete # 12.

267	al	300	£
1367	"	1400	£
2467	"	2500	£
3567	"	3600	£
4667	"	4700	£
5767	"	5800	£
6867	"	6900	£
7967	"	8000	£
8067	"	8100	£
9167	"	9200	£
10269	"	10300	£
11369	"	11400	£
12469	"	12500	£
13569	"	13600	£
14669	"	14700	£

Paquete # 13.

101	al	133	£
1201	"	1233	£
2301	"	2333	£
3401	"	3433	£
4501	"	4533	£
5601	"	5633	£
6701	"	6733	£
7801	"	7833	£
8901	"	8933	£
9001	"	9033	£
10101	"	10134	£
11201	"	11234	£
12301	"	12334	£
13401	"	13434	£
14501	"	14534	£

Paquete # 14.

69	al	100	£
1169	"	1200	£
2269	"	2300	£
3369	"	3400	£
4469	"	4500	£
5567	"	5600	£
6667	"	6700	£
7767	"	7800	£
8867	"	8900	£
9967	"	10000	£
10067	"	10100	£
11167	"	11200	£
12267	"	12300	£
13367	"	13400	£
14467	"	14500	£

Paquete # 15.

567	al	600	£
1667	"	1700	£
2767	"	2800	£
3867	"	3900	£
4967	"	5000	£
5067	"	5100	£
6167	"	6200	£
7267	"	7300	£
8367	"	8400	£
9467	"	9500	£
10569	"	10800	£
11669	"	11700	£
12769	"	12800	£
13869	"	13900	£
14969	"	15000	£

Paquete # 16.

534	al	566	£
1634	"	1666	£
2734	"	2766	£
3834	"	3866	£
4934	"	4966	£
5034	"	5066	£
6134	"	6166	£
7234	"	7266	£
8334	"	8366	£
9434	"	9466	£
10535	"	10568	£
11635	"	11668	£
12735	"	12768	£
13835	"	13868	£
14935	"	14968	£

Paquete # 17.

501	al	533	£
1601	"	1633	£
2701	"	2733	£
3801	"	3833	£
4901	"	4933	£
5001	"	5033	£
6101	"	6133	£
7201	"	7233	£
8301	"	8333	£
9401	"	9433	£
10501	"	10534	£
11601	"	11634	£
12701	"	12734	£
13801	"	13834	£
14901	"	14934	£

Paquete # 18.

601	al	633	£
1701	"	1733	£
2801	"	2833	£
3901	"	3933	£
4001	"	4033	£
5101	"	5133	£
6201	"	6233	£
7301	"	7333	£
8401	"	8433	£
9501	"	9533	£
10601	"	10634	£
11701	"	11734	£
12801	"	12834	£
13901	"	13934	£
14001	"	14034	£

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uete ♯1.

a1	466	£	401	a1	433	£	134	a1 166
"	1566	£	1501	"	1533	£	1234	" 1266
"	2666	£	2601	"	2633	£	2334	" 2366
"	3766	£	3701	"	3733	£	3434	" 3466
"	4866	£	4801	"	4833	£	4534	" 4566
"	5966	£	5901	"	5933	£	5634	" 5666
"	6066	£	6001	"	6033	£	6734	" 6766
"	7166	£	7101	"	7133	£	7834	" 7866
"	8266	£	8201	"	8233	£	8934	" 8966
"	9366	£	9301	"	9333	£	9034	" 9066
"	10468	£	10401	"	10434	£	10135	" 10168
"	11568	£	11501	"	11534	£	11235	" 11268
"	11268	£	12601	"	12634	£	12335	" 12368
"	13768	£	13701	"	13734	£	13435	" 13468
"	14868	£	14801	"	14834	£	14535	" 14568

ete ♯2.

a1	500	£	335	a1	368	£	167	a1 200
"	1600	£	1435	"	1468	£	1267	" 1300
"	2700	£	2535	"	2568	£	2367	" 2400
"	3800	£	3635	"	3668	£	3467	" 3500
"	4900	£	4735	"	4768	£	4567	" 4600
"	6000	£	5834	"	5886	£	5667	" 5700
"	6100	£	6934	"	6966	£	6767	" 6800
"	7200	£	7034	"	7066	£	7867	" 7900
"	8300	£	8134	"	8166	£	8967	" 9000
"	9400	£	9234	"	9266	£	9067	" 9100
"	10500	£	10334	"	10366	£	10169	" 10200
"	11600	£	11434	"	11466	£	11269	" 11300
"	12700	£	12534	"	12566	£	12369	" 12400
"	13800	£	13634	"	13666	£	13469	" 13500
"	14900	£	14734	"	14766	£	14569	" 14600

e ♯3.

l	334	£	369	a1	400	£	234	a1 266
	1434	£	1469	"	1500	£	1334	" 1366
	2534	£	2569	"	2600	£	2434	" 2466
	3634	£	3669	"	3700	£	3534	" 3566
	4734	£	4769	"	4800	£	4634	" 4666
	5833	£	5867	"	5900	£	5734	" 5766
	6933	£	6967	"	7000	£	6834	" 6866
	7033	£	7067	"	7100	£	7934	" 7966
	8133	£	8167	"	8200	£	8034	" 8066
	9233	£	9267	"	9300	£	9134	" 9166
	10333	£	10367	"	10400	£	10235	" 10268
	11433	£	11467	"	11500	£	11335	" 11368
	12533	£	12567	"	12600	£	12435	" 12468
	13633	£	13667	"	13700	£	13535	" 13568
	14733	£	14767	"	14800	£	14635	" 14668

Paquete ♯4.

Paquete ♯5.

Paquete ♯6.

Paquete ♯7.

Paquete ♯8.

Paquete ♯9.

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Paquete #1.

567	al	600	£	667	al	700	£	
1667	"	1700	£	1767	"	1800	£	
2767	"	2800	£	2867	"	2900	£	
3867	"	3900	£	3967	"	4000	£	
4967	"	5000	£	4067	"	4100	£	
5067	"	5100	£	5167	"	5266	£	
6167	"	6200	£	6267	"	6300	£	
7267	"	7300	£	7367	"	7400	£	
8367	"	8400	£	8467	"	8500	£	
9467	"	9500	£	9567	"	9600	£	
10569	"	10600	£	10669	"	10100	£	
11669	"	11700	£	11769	"	11800	£	
12769	"	12800	£	12869	"	12900	£	
13869	"	13900	£	13969	"	14000	£	
14969	"	15000	£	14069	"	14100	£	

Paquete #2.

534	al	566	£	634	al	666	£	
1634	"	1666	£	1734	"	1766	£	
2734	"	2766	£	2834	"	2866	£	
3834	"	3866	£	3934	"	3966	£	
4934	"	4966	£	4034	"	4066	£	
5034	"	5066	£	5134	"	5166	£	
6134	"	6166	£	6234	"	6266	£	
7234	"	7266	£	7334	"	7366	£	
8334	"	8366	£	8434	"	8466	£	
9434	"	9466	£	9534	"	9566	£	
10535	"	10568	£	10635	"	10668	£	
11635	"	11668	£	11735	"	11768	£	
12735	"	12768	£	12835	"	12868	£	
13835	"	13868	£	13935	"	13968	£	
14935	"	14968	£	14035	"	14068	£	

Paquete #3.

501	al	533	£	601	al	633	£	
1601	"	1533	£	1701	"	1733	£	
2701	"	2733	£	2801	"	2833	£	
3801	"	3833	£	3901	"	3933	£	
4901	"	4933	£	4001	"	4033	£	
5001	"	5033	£	5101	"	5133	£	
6101	"	6133	£	6201	"	6233	£	
7201	"	7233	£	7301	"	7333	£	
8301	"	8333	£	8401	"	8433	£	
9401	"	9433	£	9501	"	8533	£	
10501	"	10534	£	10601	"	10634	£	
11601	"	11634	£	11701	"	11734	£	
12701	"	12734	£	12801	"	12834	£	
13801	"	13834	£	13901	"	13934	£	
14901	"	14934	£	14001	"	14034	£	

Paquete #4.

667	al	700	£					
1767	"	1800	£					
2867	"	2900	£					
3967	"	4000	£					
4067	"	4100	£					
5167	"	5266	£					
6267	"	6300	£					
7367	"	7400	£					
8467	"	8500	£					
9567	"	9600	£					
10669	"	10100	£					
11769	"	11800	£					
12869	"	12900	£					
13969	"	14000	£					
14069	"	14100	£					

Paquete #5.

634	al	666	£					
1734	"	1766	£					
2834	"	2866	£					
3934	"	3966	£					
4034	"	4066	£					
5134	"	5166	£					
6234	"	6266	£					
7334	"	7366	£					
8434	"	8466	£					
9534	"	9566	£					
10635	"	10668	£					
11735	"	11768	£					
12835	"	12868	£					
13935	"	13968	£					
14035	"	14068	£					

Paquete #6.

601	al	633	£					
1701	"	1733	£					
2801	"	2833	£					
3901	"	3933	£					
4001	"	4033	£					
5101	"	5133	£					
6201	"	6233	£					
7301	"	7333	£					
8401	"	8433	£					
9501	"	8533	£					
10601	"	10634	£					
11701	"	11734	£					
12801	"	12834	£					
13901	"	13934	£					
14001	"	14034	£					

Paquete #7.

801	al	834						
1901	"	1934						
2001	"	2034						
3101	"	3134						
4201	"	4234						
5301	"	5333						
6401	"	6433						
7501	"	7533						
8601	"	8633						
9701	"	9733						
10801	"	10833						
11901	"	11933						
12001	"	12033						
13101	"	13133						
14201	"	14233						

Paquete #8.

835	al	868						
1935	"	1968						
2035	"	2068						
3135	"	3168						
4235	"	4268						
5334	"	5366						
6434	"	6466						
7534	"	7566						
8634	"	8666						
9734	"	9766						
10834	"	10866						
11934	"	11966						
12034	"	12066						
13134	"	13166						
14234	"	14266						

Paquete #9.

735	al	768						
1835	"	1868						
2935	"	2968						
5035	"	3068						
4135	"	4168						
5234	"	5266						
6334	"	6366						
7434	"	7466						
8534	"	8566						
9634	"	9666						
10734	"	10766						
11834	"	11866						
12934	"	12966						
13034	"	13066						
14134	"	14166						

162 7 de Septiembre, 1913.

Paquete # 14.

934	al	966	£
1054	"	1066	£
2134	"	2166	£
3234	"	3266	£
4334	"	4366	£
5434	"	5466	£
6534	"	6566	£
7634	"	7666	£
8734	"	8766	£
9834	"	9866	£
10935	"	10968	£
11035	"	11068	£
12135	"	12168	£
13235	"	13268	£
14335	"	14368	£

Paquete # 15.

901	al	933	£
1001	"	1033	£
2101	"	2133	£
3201	"	3233	£
4301	"	4333	£
5401	"	5433	£
6501	"	6533	£
7601	"	7633	£
8701	"	8733	£
9801	"	9833	£
10901	"	10934	£
11001	"	11034	£
12101	"	12134	£
13201	"	13234	£
14301	"	14334	£

Paquete # 16.

67	al	100	£
1167	"	1200	£
2267	"	2300	£
3367	"	3400	£
4467	"	4500	£
5567	"	5600	£
6667	"	6700	£
7767	"	7800	£
8867	"	8900	£
9967	"	10000	£
10069	"	10100	£
11169	"	11200	£
12269	"	12300	£
13369	"	13400	£
14469	"	14500	£

Paquete # 17.

34	al	66	£
1134	"	1166	£
2234	"	2266	£
3334	"	3366	£
4434	"	4466	£
5534	"	5566	£
6634	"	6666	£
7734	"	7766	£
8834	"	8866	£
9934	"	9966	£
10035	"	10068	£
11135	"	11168	£
12235	"	12268	£
13335	"	13368	£
14435	"	14468	£

Paquete # 18.

1	al	33	£
1101	"	1133	£
2201	"	2233	£
3301	"	3333	£
4401	"	4433	£
5501	"	5533	£
6601	"	6633	£
7701	"	7733	£
8801	"	8833	£
9901	"	9933	£
10001	"	10034	£
11101	"	11134	£
12201	"	12234	£
13301	"	13334	£
14401	"	14434	£

163 7 de Septiembre, 1913.

Paquete ♯ 10.

869	a1	900	£	701	a1	734
1069	"	2000	£	1801	"	1834
2069	"	2100	£	2901	"	2934
3169	"	3200	£	3001	"	3034
4269	"	4300	£	4101	"	4134
5367	"	5400	£	5201	"	5233
6467	"	6500	£	6301	"	6333
7567	"	7600	£	7401	"	7433
8667	"	8700	£	8501	"	8533
9767	"	9800	£	9601	"	9633
10867	"	10900	£	10701	"	10733
11967	"	12000	£	11801	"	11833
12067	"	12100	£	12901	"	12933
13167	"	13200	£	13001	"	13033
14267	"	14300	£	14101	"	14133

Paquete ♯ 11.

769	a1	800	£	967	a1	1000
1869	"	1900	£	1067	"	1100
2969	"	3000	£	2167	"	2200
3069	"	3100	£	3267	"	3300
4169	"	4200	£	4367	"	4400
5267	"	5300	£	5477	"	5500
6367	"	6400	£	6567	"	6600
7467	"	7500	£	7667	"	7700
8567	"	8600	£	8767	"	8800
9667	"	9700	£	9867	"	9900
10767	"	10800	£	10969	"	11000
11867	"	11900	£	11069	"	11100
12967	"	13000	£	12169	"	12200
13067	"	13100	£	13269	"	13300
14167	"	14200	£	14369	"	14400

Paquete ♯ 12.

Paquete ♯ 13.

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EXHIBIT JJ FOR GOV'T, #533, CR.

Filed March 27th, 1914.

21 de Septiembre, 1913.

Paquete #1.

1	a1	33	£	
1101	"	1133	£	
2201	"	2233	£	
3301	"	3333	£	
4401	"	4433	£	
5501	"	5533	£	
6601	"	6633	£	
7701	"	7733	£	
8801	"	8833	£	
9901	"	9933	£	
10001	"	10034	£	
11101	"	11134	£	
12201	"	12234	£	
13301	"	13334	£	
14401	"	14434	£	

Paquete #2.

467	a1	500	£	
1567	"	1600	£	
2667	"	2700	£	
3767	"	3800	£	
4867	"	4900	£	
5967	"	6000	£	
6067	"	6100	£	
7167	"	7200	£	
8267	"	8300	£	
9367	"	9400	£	
10469	"	10500	£	
11569	"	11600	£	
12669	"	12700	£	
13769	"	13800	£	
14869	"	14900	£	

Paquete #3.

434	a1	466	£	
1534	"	1566	£	
2634	"	2666	£	
3734	"	3766	£	
4834	"	4866	£	
5934	"	5966	£	
6034	"	6066	£	
7134	"	7166	£	
8234	"	8266	£	
9334	"	9366	£	
10435	"	10468	£	
11535	"	11568	£	
12635	"	12668	£	
13735	"	13768	£	
14835	"	14868	£	

Paquete #4.

401	a1	433	£	
1501	"	1533	£	
2601	"	2633	£	
3701	"	3733	£	
4801	"	4833	£	
5901	"	5933	£	
6001	"	6033	£	
7101	"	7133	£	
8201	"	8233	£	
9301	"	9333	£	
10401	"	10434	£	
11501	"	11534	£	
12601	"	12634	£	
13701	"	13734	£	
14801	"	14834	£	

Paquete #5.

267	a1	300	£	
1367	"	1400	£	
2467	"	2500	£	
3567	"	3600	£	
4667	"	4700	£	
5767	"	5800	£	
6867	"	6900	£	
7967	"	8000	£	
8067	"	8100	£	
9167	"	9200	£	
10267	"	10300	£	
11369	"	11400	£	
12469	"	12500	£	
13569	"	13600	£	
14669	"	14700	£	

Paquete #6.

334	a1	366	£	
1434	"	1466	£	
2534	"	2566	£	
3634	"	3666	£	
4734	"	4766	£	
5834	"	5866	£	
6934	"	6966	£	
7034	"	7066	£	
8134	"	8166	£	
9234	"	9266	£	
10335	"	10368	£	
11435	"	11468	£	
12535	"	12568	£	
13635	"	13668	£	
14735	"	14768	£	

Paquete #7.

367	a1	400	£	
1467	"	1500	£	
2567	"	2600	£	
3667	"	3700	£	
4767	"	4800	£	
5867	"	5900	£	
6967	"	7000	£	
7067	"	7100	£	
8167	"	8200	£	
9267	"	9300	£	
10369	"	10400	£	
11469	"	11500	£	
12569	"	12700	£	
13669	"	13700	£	
14769	"	14800	£	

Paquete #8.

201	a1	233	£	
1301	"	1333	£	
2401	"	2433	£	
3501	"	3533	£	
4601	"	4633	£	
5701	"	5733	£	
6801	"	6833	£	
7901	"	7933	£	
8001	"	8033	£	
9101	"	9133	£	
10201	"	10234	£	
11301	"	11334	£	
12401	"	12434	£	
13501	"	13534	£	
14601	"	14634	£	

Paquete #9.

301	a1	333	£	
1401	"	1433	£	
2501	"	2533	£	
3601	"	3633	£	
4701	"	4733	£	
5801	"	5833	£	
6901	"	6933	£	
7001	"	7033	£	
8101	"	8133	£	
9201	"	9233	£	
10301	"	10334	£	
11401	"	11434	£	
12501	"	12534	£	
13601	"	13634	£	
14701	"	14734	£	

165 21 de Septiembre, 1913.

Paquete ♯ 10.				Paquete ♯ 13.				Paquete ♯ 16.			
234	al	266	£	501	al	533	£	167	al	200	
1334	"	1366	£	1601	"	1633	£	1267	"	1300	
2434	"	2466	£	2701	"	2733	£	2367	"	2400	
3534	"	3566	£	3801	"	3833	£	3467	"	3500	
4634	"	4666	£	4901	"	4933	£	4567	"	4600	
5734	"	5766	£	5001	"	5033	£	5667	"	5700	
6834	"	6866	£	6101	"	6133	£	6767	"	6800	
7934	"	7966	£	7201	"	7233	£	7867	"	7900	
8034	"	8066	£	8301	"	8333	£	8967	"	9000	
9134	"	9166	£	9401	"	9433	£	9067	"	9100	
10235	"	10268	£	10501	"	10534	£	10169	"	10200	
11335	"	11368	£	11601	"	11634	£	11269	"	11300	
12435	"	12468	£	12701	"	12734	£	12369	"	12400	
13535	"	13568	£	13801	"	13834	£	13469	"	13500	
14635	"	14668	£	14901	"	14934	£	14569	"	14600	

Paquete ♯ 11.				Paquete ♯ 14.				Paquete ♯ 17.			
34	al	66	£	534	al	566	£	101	al	133	
1134	"	1166	£	1634	"	1666	£	1201	"	1233	
2234	"	2266	£	2734	"	2766	£	2301	"	2333	
3334	"	3366	£	3834	"	3866	£	3401	"	3433	
4434	"	4466	£	4934	"	4966	£	4501	"	4533	
5534	"	5566	£	5034	"	5066	£	5601	"	5633	
6634	"	6666	£	6134	"	6166	£	6701	"	6733	
7734	"	7766	£	7234	"	7266	£	7801	"	7833	
8834	"	8866	£	8334	"	8366	£	8901	"	8933	
9934	"	9966	£	9434	"	9466	£	9001	"	9033	
10035	"	10068	£	10535	"	10568	£	10101	"	10134	
11135	"	11168	£	11635	"	11668	£	11201	"	11234	
12235	"	12268	£	12735	"	12768	£	12301	"	12334	
13335	"	13368	£	13835	"	13868	£	13401	"	13434	
14435	"	14468	£	14935	"	14968	£	14501	"	14534	

Paquete ♯ 12.				Paquete ♯ 15.				Paquete ♯ 18.			
67	al	100	£	567	al	600	£	134	al	166	
1167	"	1200	£	1667	"	1700	£	1234	"	1266	
2267	"	2300	£	2767	"	2800	£	2334	"	2366	
3367	"	3400	£	3867	"	3900	£	3434	"	3466	
4467	"	4500	£	4967	"	5000	£	4534	"	4566	
5567	"	5600	£	5067	"	5100	£	5634	"	5666	
6667	"	6700	£	6167	"	6200	£	6734	"	6766	
7767	"	7800	£	7267	"	7300	£	7834	"	7866	
8867	"	8900	£	8367	"	8400	£	8934	"	8966	
9967	"	10000	£	9467	"	9500	£	9034	"	9066	
10069	"	10100	£	10569	"	10600	£	10135	"	10168	
11169	"	11200	£	11669	"	11700	£	11235	"	11268	
12269	"	12300	£	12769	"	12800	£	12335	"	12368	
13369	"	12400	£	13869	"	13900	£	13435	"	13468	
14469	"	14500	£	14969	"	15000	£	14535	"	14568	

166 EXHIBIT KK FOR GOV'T, #553, CR.

Filed March 27th, 1914.

12 de Octubre, 1913.

Paquete #1.				Paquete #4.				Paquete #7.			
867	al	900	£	967	al	1000	£	767	al	800	
1967	"	2000	£	1067	"	1100	£	1867	"	1900	
2067	"	2100	£	2167	"	2200	£	2967	"	3000	
3167	"	3200	£	3267	"	3300	£	3067	"	3100	
4267	"	4300	£	4367	"	4400	£	4167	"	4200	
5367	"	5400	£	5467	"	5500	£	5267	"	5300	
6467	"	6500	£	6567	"	6600	£	6367	"	6400	
7567	"	7600	£	7667	"	7700	£	7467	"	7500	
8667	"	8700	£	8767	"	8800	£	8567	"	8600	
9767	"	9800	£	9867	"	9900	£	9667	"	9700	
10869	"	10900	£	10969	"	11000	£	10769	"	10800	
11969	"	12000	£	11069	"	11100	£	11869	"	11900	
12069	"	12100	£	12169	"	12200	£	12969	"	13000	
13169	"	13200	£	13269	"	13300	£	13069	"	13100	
14269	"	12300	£	14369	"	14400	£	14169	"	14200	
Paquete #2.				**Paquete #5.**				**Paquete #8.**			
834	al	866	£	934	al	966	£	734	al	766	
1934	"	1966	£	1034	"	1066	£	1834	"	1866	
2034	"	2066	£	2134	"	2166	£	2934	"	2966	
3134	"	3166	£	3234	"	3266	£	3034	"	3066	
4234	"	4266	£	4334	"	4366	£	4134	"	4166	
5334	"	5366	£	5434	"	5466	£	5234	"	5266	
6434	"	6466	£	6534	"	6566	£	6334	"	6366	
7534	"	7566	£	7634	"	7666	£	7434	"	7466	
8634	"	8666	£	8734	"	8766	£	8534	"	8566	
9734	"	9766	£	9834	"	9866	£	9634	"	9666	
10835	"	10868	£	10935	"	10968	£	10735	"	10768	
11935	"	11968	£	11035	"	11068	£	11835	"	11868	
12035	"	12068	£	12135	"	12168	£	12935	"	12968	
13135	"	13168	£	13235	"	13268	£	13035	"	13068	
14235	"	14268	£	14335	"	14368	£	14135	"	14168	
Paquete #3.				**Paquete #6.**				**Paquete #9.**			
801	al	833	£	901	al	933	£	701	al	733	
1901	"	1933	£	1001	"	1033	£	1801	"	1833	
2001	"	2033	£	2101	"	2133	£	2901	"	2933	
3101	"	3133	£	3201	"	3233	£	3001	"	3033	
4201	"	4233	£	4301	"	4333	£	4101	"	4133	
5301	"	5333	£	5401	"	5433	£	5201	"	5233	
6401	"	6433	£	6501	"	6533	£	6301	"	6333	
7501	"	7533	£	7601	"	7633	£	7401	"	7433	
8601	"	8633	£	8701	"	8733	£	8501	"	8533	
9701	"	9733	£	9801	"	9833	£	9601	"	9633	
10801	"	10834	£	10901	"	10934	£	10701	"	10734	
11901	"	11934	£	11001	"	11034	£	11801	"	11834	
12001	"	12034	£	12101	"	12134	£	12901	"	12934	
13101	"	13134	£	13201	"	13234	£	13001	"	13034	
14201	"	14234	£	14301	"	14334	£	14134	"	14134	

167 12 de Octubre, 1913.

Paquete ♯ 10.				Paquete ♯ 13.				Paquete ♯ 16.			
467	al	500	£	401	al	433	£	501	al	533	
1567	"	1600	£	1501	"	1533	£	1601	"	1633	
2667	"	2700	£	2601	"	2633	£	2701	"	2733	
3767	"	3800	£	3701	"	3733	£	3801	"	3833	
4867	"	4900	£	4801	"	4833	£	4901	"	4933	
5967	"	6000	£	5901	"	5933	£	5001	"	5033	
6067	"	6100	£	6001	"	6033	£	6101	"	6133	
7167	"	7200	£	7101	"	7133	£	7201	"	7233	
8267	"	8300	£	8201	"	8233	£	8301	"	8333	
9367	"	9400	£	9301	"	9333	£	9401	"	9433	
10169	"	10500	£	10401	"	10434	£	10501	"	10534	
11569	"	11600	£	11501	"	11534	£	11601	"	11634	
12669	"	12700	£	12601	"	12634	£	12701	"	12734	
13769	"	13800	£	13701	"	13734	£	13801	"	13834	
14869	"	14900	£	14801	"	14834	£	14901	"	14934	

Paquete ♯ 11.				Paquete ♯ 14.				Paquete ♯ 17.			
601	al	633	£	534	al	566	£	634	al	666	
1701	"	1733	£	1634	"	1666	£	1734	"	1766	
2801	"	2833	£	2734	"	2766	£	2834	"	2866	
3901	"	3933	£	3834	"	3866	£	3934	"	3966	
4001	"	4033	£	4934	"	4966	£	4034	"	4066	
5101	"	5133	£	5034	"	5066	£	5134	"	5166	
6201	"	6233	£	6134	"	6166	£	6234	"	6266	
7301	"	7333	£	7234	"	7266	£	7334	"	7366	
8401	"	8433	£	8334	"	8366	£	8434	"	8466	
9501	"	9533	£	9434	"	9466	£	9534	"	9566	
10601	"	10634	£	10535	"	10568	£	10635	"	10668	
11701	"	11734	£	11635	"	11668	£	11735	"	11768	
12801	"	12834	£	12735	"	12768	£	12835	"	12868	
13901	"	13934	£	13835	"	13868	£	13935	"	13968	
14001	"	14034	£	14935	"	14968	£	14035	"	14068	

Paquete ♯ 12.				Paquete ♯ 15.				Paquete ♯ 18.			
434	al	466	£	567	al	600	£	667	al	700	
1534	"	1566	£	1667	"	1700	£	1767	"	1800	
2634	"	2666	£	2767	"	2800	£	2867	"	2900	
3734	"	3766	£	3867	"	3900	£	3967	"	4000	
4834	"	4866	£	4967	"	5000	£	4067	"	4100	
5934	"	5966	£	5067	"	5100	£	5167	"	5200	
6034	"	6066	£	6167	"	6200	£	6267	"	6300	
7134	"	7166	£	7267	"	7300	£	7367	"	7400	
8234	"	8266	£	8367	"	8400	£	8467	"	8500	
9334	"	9366	£	9467	"	9500	£	9567	"	9600	
10435	"	10468	£	10569	"	10600	£	10669	"	10700	
11535	"	10568	£	11669	"	11700	£	11769	"	11800	
12635	"	12668	£	12769	"	12800	£	12869	"	12900	
13735	"	13768	£	13869	"	13900	£	13969	"	14000	
14835	"	14868	£	14969	"	15000	£	14069	"	14100	

(Here follow lottery tickets marked pages 168 to 173.)

LL-- Exhibit LL for Govt #5330.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
T—1 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
T—4 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
R—2 Caduca al semestre

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
A—7 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
I—3 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
R—5 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
N—4 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
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Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
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Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
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Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
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Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
I—5 Caduca al semestre.

Lotería á favor del Manicomio Padre Billini.
Santo Domingo, República Dominicana.
SORTEO ORDINARIO No 170.
Billetes á $ 2.00 oro el billete, un décimo 20 cts. oro.
PREMIO MAYOR $ 10.000 oro
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial, pagándose los premios de igual manera.
NÚM. 04789
CERO CUATRO SIETE OCHO NUEVE
Décimo del billete del sorteo que se celebrará el
21 de SEPTIEMBRE de 1913.
El Administrador: — J. A. Geraldino.
A—6 Caduca al semestre.

LOTERIA A FAVOR DEL MANICOMIO PADRE BILLINI

Ex 22 for Govt. 5330 Filed Mar 27-1914

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M M 9 — Exhibit M M for Def't #553a.

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
D—1 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
O—2 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
M—3 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
I—4 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
N—5 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
L—6 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
C—7 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador:—J. A. GERALDINO.
K—9 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 493.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04151
15,000 billetes á $ 2.00 oro cada uno, cinco uno décimo de billete 20 centavos oro.
Se celebrará el 7 de STBRE. de 1913.
Administrador.—J. A. GERALDINO
O—10 Caduca al semestre.

LOTERIA A FAVOR DE LA CASA DE BENEFICENCIA Y ORFELINATO — $ 10.000 — JUNTA DE CARIDAD "PADRE BILLINI"

#553a Filed Mar 27/14

Exhibit M M for Def't

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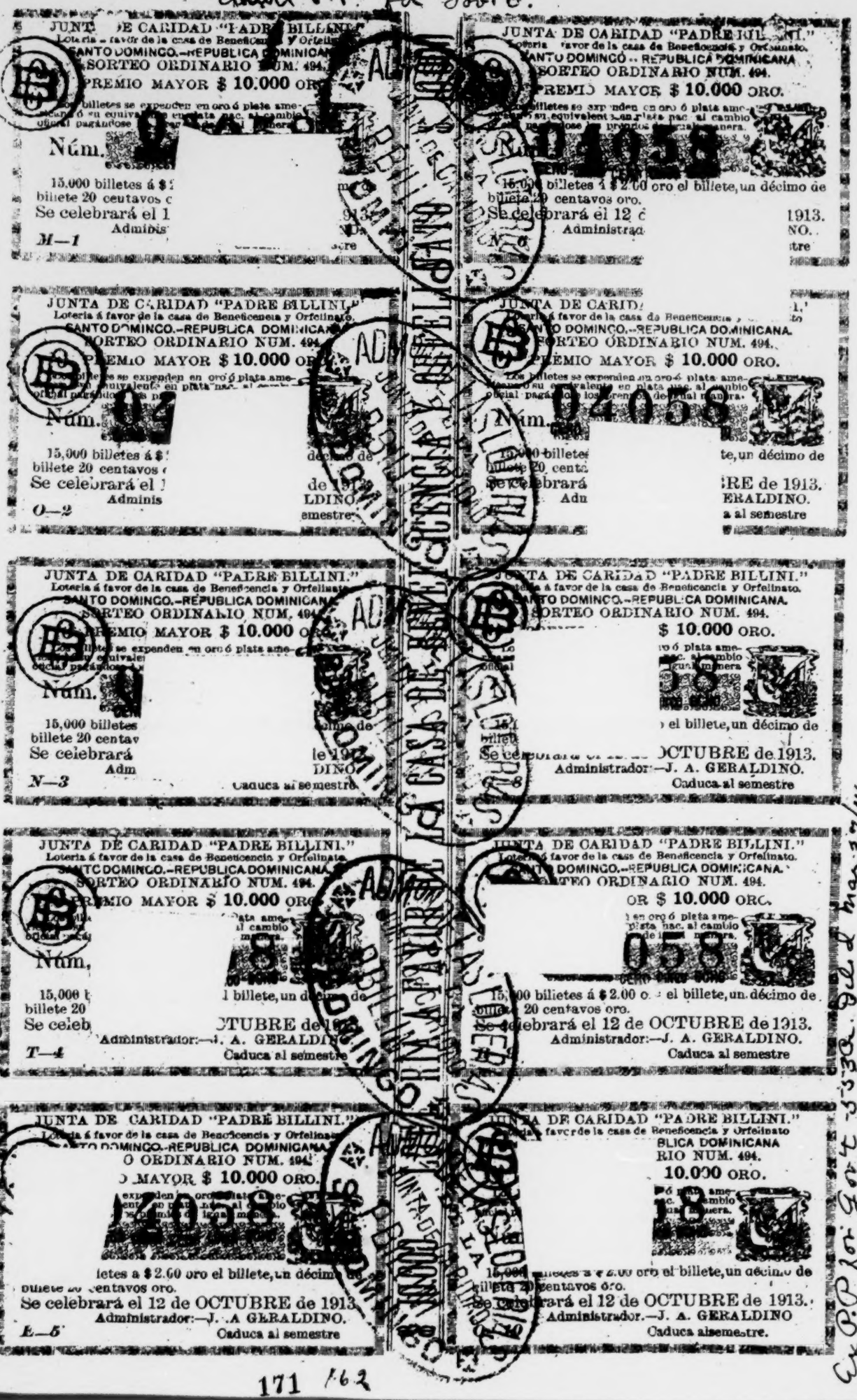
Exhibit P.P for Govt.


JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15.000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
M—1
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15.000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
N—6
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
O—2
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
N—3
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
T—4
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
E—5
Caduca al semestre
JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 14058
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador.—J. A. GERALDINO
Caduca al semestre.

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Ex P.P for Govt. 3-3-38. Ord'd Mar 27/14

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04057
15.000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
M—1 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04057
15.000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. 04057
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
O—2 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
N—3 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
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Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
T—4 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
E—5 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
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Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. [redacted]
UNO CUATRO CERO TRES DOS
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
M—1 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
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Se celebrará el 12 de OCTUBRE de 1913.
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Administrador:—J. A. GERALDINO.
O—2 Caduca al semestre

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Administrador:—J. A. GERALDINO.
Caduca al semestre

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Núm. [redacted]
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15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
N—3 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
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Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. [redacted]
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15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
T—4 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
SORTEO ORDINARIO NUM. 494.
PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. [redacted]
UNO CUATRO CERO TRES DOS
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador:—J. A. GERALDINO.
E—5 Caduca al semestre

JUNTA DE CARIDAD "PADRE BILLINI."
Lotería á favor de la casa de Beneficencia y Orfelinato.
SANTO DOMINGO.—REPUBLICA DOMINICANA.
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PREMIO MAYOR $ 10.000 ORO.
Los billetes se expenden en oro ó plata americana ó su equivalente en plata nac. al cambio oficial pagándose los premios de igual manera.
Núm. [redacted]
UNO CUATRO CERO TRES DOS
15,000 billetes á $ 2.00 oro el billete, un décimo de billete 20 centavos oro.
Se celebrará el 12 de OCTUBRE de 1913.
Administrador.—J. A. GERALDINO
Caduca alsemestre.

ADMINISTRACION DE LA CASA DE BENEFICENCIA Y ORFELINATO $ 10.000

CHART

TOO

LARGE

FOR

FILMING

174 EXHIBIT RR FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Prospectus.

By which the lottery in favor of the Insane Asylum Padre Billini shall be governed beginning with the drawing No. 168 to be held July 13th, 1913, in accordance with the orders issued by the Executive Power under date of June 29th, 1901, and July 8th, 1902.

15,000 tickets at $2 gold each			$30,000
1 prize of	$10,000	$10,000	
1 do. of	2,000	2,000	
1 do. of	500	500	
4 prizes of	100	400	
8 do. of	50	400	
16 do. of	25	400	
706 of	10	7060	
Approximations.			
4 to the first prize of 30		120	
4 to the second prize of 20		80	
4 to the third prize of 10		40	
		21,000	
10% commission for expenditures		3,000	
5% general expenses		1,500	
5% Official tax		5,000	
10% in favor of the Asylums		3,000	
		30,000	$30,000

Santo Domingo, April 9th, 1913.

The President of the Board of Charity, P. B.:

FCO. CERON.

The Secretary:
J. PABLO SANABIA.

The Administrator:
J. A. GERALDINO.

175 I hereby certify: that in the book of resolutions of this Secretaryship of the Interior and Police, of which I am acting Chief Official there exists a resolution approving the foregoing Prospectus of Lottery in favor of the Insane Asylum "Padre Billini" consisting of fifteen thousand tickets at two dollars gold each; which awards seven hundred and forth nine prizes the largest of which amounts to the sum of ten thousand dollars gold and which will become in force on the 13th day of July of the current year.

Santo Domingo, April 15th, 1913.

The Acting Chief Official:

PABLO DE CASTRO.

176 EXHIBIT SS FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Sr. Don Manuel Garcia:

Sept. 8	—Balance of his account to date	157.65
" 21	—100	225.00
	Balance in my favor on this date	382.65

NOTE.—It is my duty to make remittances by cable of the total amount of each series, and you have to cover the sum which appears in your account at the earliest possible time.

S. S.
M.

EXHIBIT TT FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Translation.

Mr. Tito Santos:

September 7	—Balance of your account of this date	$36.30
" 21	—25	57.50
	Balance in my favor today	93.80

177 EXHIBIT UU FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Received from Mr. Crerecedo 25 silk handkerchiefs at $2.35 which I remain owing.

San Juan, P. R., Sept. 1, 1913.

FRANCO CATAÑEDA.

Rio Piedras, Box 131.

EXHIBIT VV FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Francisco Catañeda, Rio Piedras, Box 121:

Values in Drafts.

September 7	—25	58.75

Please remit the amount of the drafts as I have to forward same to its destination.

If you want merchandise, call for it quick, as there is little left, and the time is short.

S. S.
M.

3 EXHIBIT WW FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Don Isac Hijerata:

osto 17.—100	225.00	
Paid		220.00
otember 17.—375	843.75	
Paid		745.75
otember 12—Payment to-day		98.80
	1,068.75	1,064.45
Balance		3.20
	1068.75	1068.75

Balance in my favor..... 3.20

ptember 22, 375	843.75
tober 12, 375	843.75
	1,687.50

9 EXHIBIT XX FOR GOV'T, #553, CR.

Filed March 27th, 1914.

ac Higereta:

Drafts on New-York.
Cash Sales.

alance of your account..... 98.00

DEAR FRIEND: I would request you to remit the above balance as have to remit a large sum for what has been sold.

S. S. S.
M.
ISAAC HUERTA.

80 EXHIBIT YY FOR GOV'T, #553, CR.

Filed March 27th, 1914.

I consumed out of the last lot:

hey amounted to		$1,000.00
delivered first	125.00	
fterwards	45.00	
hey stole by the D	192.00	
		$362.00
There remained		638.00

besides I delivered all of the remaining 7 packages, when they stole me the D—— the $192. I had more in values about $400. I wonder if they can be recovered, you will be able to see by the newspapers how Benitez Castaño, is carrying on that matter for the benefit of those in the trade, it will all cost money but it is necessary to stop the abuse from that rabble, further, I have a large amount on credit and when the lists come they will pay me and then I will be able to settle with you, many of them are wondering if they should be discovered and the merchandise taken away from them, in short this has ruined us both you and me between one thing and the other I find myself without a quarter, but we will have to be patient if we can't hel*d* it.

In order that you may continue selling to my customers I am sending you a list of them and whenever you should have any doubt you may apply to me and I will clear it up for you, do not give them for less than the price which I have suggested, so as not to spoil the thing, they are good payers, they do not pay cash, but they go along paying as the invoices come and the business turned that way for the reasons already known to you. This people used to buy cash but they got the habit and now you will have to stand for it.

I would request you to be careful with Barrantes, as he will betray you, I know it from a good source, do not say anything to him about the customers I have cited you, for if he should know, the customers will be lost and the money. I am saying this to you because certain things were spoken of yesterday at the Palace, which, from the description given, came from him, therefore it is necessary to keep secrecy and the mouth closed.

Yours affectionate friend,

SAN CLODIO.

Send to-day by express, invoiced in the name of Don Isidoro Santana, of Barceloneta 20 sacks of rice, that is for Jaime Blanch of Manati, at $2.30, he will ask for more latter and will advise, for the next will take from 150 to 200 at the said price of $2.30.

181 EXHIBIT ZZ FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Translation.

(From Typewriting.)

Friend Manolo:

I send you the balance of the former account, $440.00, and for this (place?) I can take 500; Paco will tell you how to send them to me, as things must be done with precaution.

Today I leave for the Island and Wednesday I shall be back here again, but if I should not be here you can come to terms with Paco and he will see that these arrive where I have to keep them.

As always, at your orders.

Your affectionate friend,

SAN CLODIO.

(Note below in handwriting, as follows:)

Values.....	$319.50
"	8.50
Total.....	328.00
Check	112.00
Total.....	$440.00

August 18, 1913.

182 EXHIBIT AAA FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Translation.

(From a Slip of Paper.)

(On one side:)

FRIEND MANUEL: This is from Santurce.

MATEO ROSELLO.

San Clodio.

Stop 15, Calle de E.

(On the other side:)

Stop 15—Calle de E. Cerra.
House No. 48.
from 5 to 6 o'clock.

G.

100.

183 EXHIBIT BBB FOR GOV'T, #553, CR.

Filed March 27th, 1914.

In the Municipal Court of Cabo-Rojo.

Affidavit.

In the town of Cabo-Rojo, P. R. on the 9th of October, 1913, before me appears, Walter M. St. Elmo, resident of San Juan, P. R. married, Chief of the Secret Service Bureau and of legal age, who being first duly sworn says:

That he has good grounds to suspect that Carlos Valle keeps in his house in this town documents and other things which show his complicity in certain crime for which he has been denounced for violation of articles 293 and 294 of the Penal Code.

Wherefore, I ask the Honorable Judge of this District that a search warrant be issued so that his house may be searched.

WALTER M. ST. ELMO.

Sworn to and subscribed before me on this 9th day of October, 1913.

J. A. FLEYTAS COLBERG,
Municipal Judge.

I certify:

I certify that the foregoing is a true and correct copy of the affidavit filed in the office of the Clerk of this Municipal Court.—And to be forwarded to the Hon. the Prosecuting Attorney of the District Court of the United States, I issue the present under my signature in Cabo-Rojo P. R. March 7th, 1914.

J. A. FLEYTAS COLBERG,
Judge of the Municipal Court of Cabo-Rojo.

184 UNITED STATES OF AMERICA:

The President of the United States.

Municipal Court of Cabo-Rojo.

THE PEOPLE OF PORTO RICO
vs.
CARLOS VALLE.

The People of Porto Rico to any Police Officer in the District of ——.

There having been filed on this day, proof by means of an affidavit signed by Walter M. St. Elmo, that in the residence of Carlos Valle there are documents and other things in connection with a crime being *persecuted* for violation of article- 293 and 294 of the Penal Code. You are therefore commanded during the hours of this day, to make a search in the said house in order to find the documents and things which may be there relative to the crime denounced and if any or all of said things should be found by you, to bring them forthwith before me in this municipal court of Cabo-Rojo.

Given under my signature on this 9th day of October 1913.

J. A. FLEYTAS COLBERG,
Municipal Judge of Cabo-Rojo.

I, Walter St. Elmo, certify that on the 9th day of October 1913 in pursuance to the foregoing warrant I proceeded to make a search in the dwelling house of Carlos Valle, in the presence of said Carlos Valle and Dario Suarez, a detailed list of the articles appearing below:

One telegram to Carlos Valle	signed,	Cerecedo, June 7th, 1913.
" telegram " " " "	"	Manuel " 9th, 1913.
3 telegrams " "	"	Manolo July 26th, 1913.
1 letter " " " "	"	Jose G. Vasquez, July 24, 1913.
1 Bill of Health " "	"	Anto. Cabral, Sept. 17— "

6 tickets for purchases, given by Gonzalez Padin, San Juan.
3 envelopes of telegrams, addressed to Carlos Valle.
3 Custom House receipts 186982-246013-246049 in favor of Carlos Valle.
1 bill from the drug store Aug. 11-13 with numbers on the back.
I, Walter St. Elmo, a public official by whom this warrant was executed do swear that the foregoing inventory contains a true and detailed list of all the articles found by me while carrying
185 out this order.

WALTER M. ST. ELMO.

Sworn to before me on this 9th day of October 1913.

J. A. FLEYTAS COLBERG,
Municipal Judge of Cabo-Rojo.

I have received from the Municipal Judge of Cabo-Rojo the foregoing order for its delivery to the District Attorney.
Cabo-Rojo, P. R. Oct. 8th, 1913.

WALTER M. ST. ELMO.

I certify that the foregoing is a true copy of the original filed in the office of the Clerk of this municipal court. And in order to forward same to the U. S. District Attorney, I issue the present in Cabo-Rojo, on the 7th of March 1914.

J. A. FLEYTAS COLBERG,
Municipal Judge of Cabo-Rojo.

186 EXHIBIT III FOR GOV'T, #553, CR.

Filed March 27th, 1914.

General Consulate of the Dominican Republic in San Juan, Porto Rico.

Health Certificate.

The undersigned, Consul General of the Dominican Republic in San Juan, Porto Rico.
Do hereby certify, that on this day I have dispatched from this port bound for the port of La Romana, the American sloop "Vencedor" of 7 tons, with a crew of four men under the command of Captain Carlos Valle.
I further certify that both in this city as well as in its surroundings there are no epidemics or infectious diseases prevalent, wherefore I issue the present clean bill of health.
Signed and sealed in San Juan Porto Rico on the 17th of September 1913.

ANTO CABRAL,
Dominican Consul General.

Registered at No. —.

187 EXHIBIT JJJ FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Page 36, Press Copy-book.

Sr. Don Arturo Lahongrais, C. M. M., Ponce.

August	3.	1,000		2,050.00
August	17.	1,000		2,050.00
Sept.	7.	1,000		2,050.00
July:				
		Delivery of Values		683.00
		" " "		184.50
		" " "		1,231.00
		" " "		483.00
		" " "		318.00
		" " "		148.50
		" " "		413.00
		" " "		142.00
		" " "		155.00
		" " "		100.00
		" " "		108.00
		" " "		100.00
		" " "		150.00
		1 check No. 46383		500.00
		To the employee		110.00
		Balance		1,324.00
			6,150.00	6,150.00
		Balance in our favor	1,324.00	

Note.—Numbers returned, 124.
San Juan, P. R., September 12, 1913.

188 Page 17, Press Copy Book.

Sr. Don Arturo Lahongrais, Ponce.

Draft Account on Europe and New York.

August	3.	2,000	4,100.
"	17.	1,000	2,050.
		Tips	15.
September	7.	2,000	4,100.
"	22.	2,000	4,100.
October	12.	2,000	4,100.
		Tips	30.
		"	5.

POOR COPY

1 draft in favor of Rojas		500.
Delivered to J. Colon		35.
Remitted in values to Dr. Mañon		3,300.
	18,500.	3,835.00
Balance		14,665.00
	18,500.	18,500.
Balance in my favor	14,665.00	

San Juan, P. R., Sept. 12, 1913.

189 EXHIBIT KKK FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Friend Don Manolo: I duly received your letter as well as the enclosed short telegram, and believe me, I see that you are a smart fellow, because the same is not mine, neither is that my style. Inasmuch as this might happen again, you should not pay any attention to any letter or telegram which is not headed by the word "conforme" and ended with word "variando" so that if I should desire to advise you to make quick remittances, I would word it this way: "Conforme haga los envios pronto, variando." From now on, instead of signing "Octavio" I will sign "Carlos." Try always to avoid mentioning my name anywhere. Until I send you a code, and above all until we are well agreed, whatever you have to communicate to me do it through your friend Don Pedro and with whom you have made remittances some times.

It is also necessary that you secure a friend from there in whom you may lay all confidence, for the question of telegrams and letters, so that the same may be addressed to him. Without any further particular, I remain,

Your truthful friend,

OCTAVIO.

Bear in mind that this will be the last time that I sign my letters with that name.

Acknowledge receipt of this letter, which I want you to do by means of four letters addressed to Don Pedro. Within two or three days I will write you as to whether it will be possible for me to meet you at the town or place of the Island which you may designate so that we may talk to each other. Our interview must take place next Sunday, that is, the first Sunday of September.

Without anything further, I would recommend you, although you don't need it, to have much distrust of all what you receive there which may be suspicious.

(In pencil:) If you think it well,

I am in great need of the lists.

190 EXHIBIT LLL FOR THE GOV'T, #553, CR.

(Filed March 27th, 1914.)

1913. Octavio. Ponce.

Esteemed Don Manolo: Please let me know if you have received acknosledgement of my remittance to Santo Domingo (on your account).

I remain, your truthful friend,

OCTAVIO.

191 EXHIBIT NNN FOR THE GOV'T, #553, CR.

(Filed March 27th, 1914.)

Hamburg-Amerika Linie.

Abteilung Personenverkehr für Südamerika und Centralamerika.

Abschrift der Fahrkarte Nr. 10545.

(Von der Agentur aufzubewahren) für —— in der I. —— Klasse.

Zimmer Nr. 9.
Bett Nr. —.

Des Dampfers —— am. 5 Mai von S. S. Prasident nach St. Dgo. City.

Name.	After.	Erw.	Kinder. ½	Kinder. ¼	frei.	Dienstboten.	Fahreld.
Manuel Cerecedo.....							
Span.	43						20...
Luis Galvár.....							
Domi.	34						20...
							40...

Gesamtfahrpreis für.....

Abrechnung.

Eingegangenes Fahrgeld .....
Ab Provision .....

Netto .....

Abgeführt am —— an ——.
——, den ——, 191-.
(Datum)

F. 649*a*.

——.
(Name des Agenten.)

192 EXHIBIT OOO FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

(19.)

American Colonial Bank of Porto Rico.

Depositary for the Government of Porto Rico.

Depositary for the United States.

Sociedad Anonima Bancaria.
Sucs. de J. de Lemos.
69752.
Santo Domingo.
Capital $150,000 Oro Americano.

SAN JUAN, P. R., Jul- 5, 1913. No. 111,623.
Jul- 28, R. E. M.

Original.

Pay to the order of Cerecedo Hermanos & Co. Sucs. $2,000 00/100 two thousand 00/100 dollars. Not over two thousand $2,000$.

(Signed) H. L. COCHRAN,
Ass't Cashier.

To Miller, Schall & Co., New York, N. Y., 45 William Street.
J. C. & W. E. Powers, New York.

Indorsement: Cerecedo Hermanos & Co. Sucesores. San Juan, P. R. Paguese á la orden de (Signed) Dón Jacinto Mañon valor en cuenta. San Juan, P. R., 5 de Julio 1913. (Signed) MCS. Paguese a la Orden de (Signed) J. A. Geraldino. Valor en cuenta. Sto. Domingo, Jul- 11, 1913. (Signed) Jacinto Y. Mañon. Paguese a la Orden de la Sociedad Anonima Bancaria, Sucs. de J. de Lemos. Capital $150,000,—oro americano. Sto. Domingo, Jul- 11, 1913. (Signed) J. A. Geraldino. Paguese a la Orden de. (Signed) Miller, Schall & Co. Valor en cuenta. Sto. Domingo, Jul- 15, 1913. Sociedad Anonima Bancaria. Sucesores de J. de Lemos. (Signed) F. A. Raintos, Presidente.

193 EXHIBIT OOO FOR THE GOV'T, #553, CR.

Filed March 27th, 1914.

(19.)

American Colonial Bank of Porto Rico.

Depositary for the Government of Porto Rico.

Depositary for the United States.

Sociedad Anonima Bancaria.
Sucs. de J. de Lemos.
69754.
Santo Domingo.
Capital $150,000 Oro Americano.

Original.

SAN JUAN, P. R., Jul- 5, 1913. No. 111,626.
Jul- 28, R. E. M.

Pay to the order of Cerecedo Hermanos & Co. Sucs. $1,000 00/100 one thousand 00/100 dollars. Not over one thousand $1,000$.

(Signed) H. L. COCHRAN,
Ass't Cashier.

To Miller, Schall & Co., New York, N. Y., 45 William Street.
J. C. & W. E. Powers, New York.

Indorsement: Cerecedo Hermanos & Co. Sucesores. San Juan, P. R. Paguese á la orden de (Signed) Dón Jacinto Mañon valor en cuenta. San Juan, P. R., 5 de Julio 1913. (Signed) MCS. Paguese a la Orden de (Signed) J. A. Geraldino. Valor en cuenta. Sto. Domingo, Jul- 11, 1913. (Signed) Jacinto Y. Mañon. Paguese a la Orden de la Sociedad Anonima Bancaria, Sucs. de J. de Lemos. Capital $150,000,—oro americano. Sto. Domongo, Jul- 11, 1913. (Signed) J. A. Geraldino. Paguese a la Orden de. (Signed) Miller, Schall & Co. Valor en cuenta. Sto. Domingo, Jul- 15, 1913. Sociedad Anonima Bancaria. Sucesores de J. de Lemos. (Signed) F. A. Raintos, Presidente.

194 EXHIBIT OOO FOR THE GOV'T #553, CR.

Filed March 27th, 1914.

(19.)

American Colonial Bank of Porto Rico.

Depositary for the Government of Porto Rico.

Depositary for the United States.

Sociedad Anonima Bancaria.

Sucs. de J. de Lemos.

69753.

Santo Domingo.

Capital $150,000 Oro Americano.

Original.

SAN JUAN, P. R., Jul- 5, 1913. No. 111,625.

Jul- 28, R. E. M.

Pay to the order of Cerecedo Hermanos & Co. Sucs. $1,133 50/100 eleven hundred thirty-three 50/100 dollars. Not over fourteen hundred $1,400$.

(Signed) H. L. COCHRAN,
Ass't Cashier.

To Miller, Schall & Co., New York, N. Y., 45 William Street.

J. C. & W. E. Powers, New York.

[On left margin:] Countersigned. J. M. Torres.

Indorsement: Cerecedo Hermanos & Co. Sucesores. San Juan, P. R. Paguese á la order de (Signed) Dón Jacinto Mañon valor en cuenta. San Juan, P. R., 5 de Julio 1913. (Signed) MCS. Pa-

guese a la Orden de (Signed) J. A. Geraldino. Valor en cuena. Sto. Domingo, Jul- 11, 1913. (Signed) Jacinto Y. Mañon. Paguese a la Orden de la Sociedad Anonima Bancaria, Sucs. de J. de Lemos. Capital $150,000,—oro americano. Valor Recibido. Sto. Domingo, Jul- 11, 1913. (Signed) J. A. Geraldino. Paguese a la Orden, de. (Signed) Miller, Schall & Co. Valor en cuenta. Sto. Domingo, Jul- 15, 1913. Sociedad Anonima Bancaria. Sucesores de J. de Lemos. (Signed) F. A. Raintos, Presidente.

Exhibit CCC for the Gov't # 553 Cr. Filed, March 27th, 191 .

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
1 J.	9.31 am	8 Paid.

SEND THE FOLLOWING MESSAGE:—

San Juan 7. 6. 13

Carlos Valle.

Care Vaillant Agency, Ponce.

Andrés leaves train tomorrow, wait his station. All well.

Cerecedo.

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TICAL IN BOOK

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
13 J.	5.35 pm.	7 Paid.

SEND THE FOLLOWING MESSAGE:—

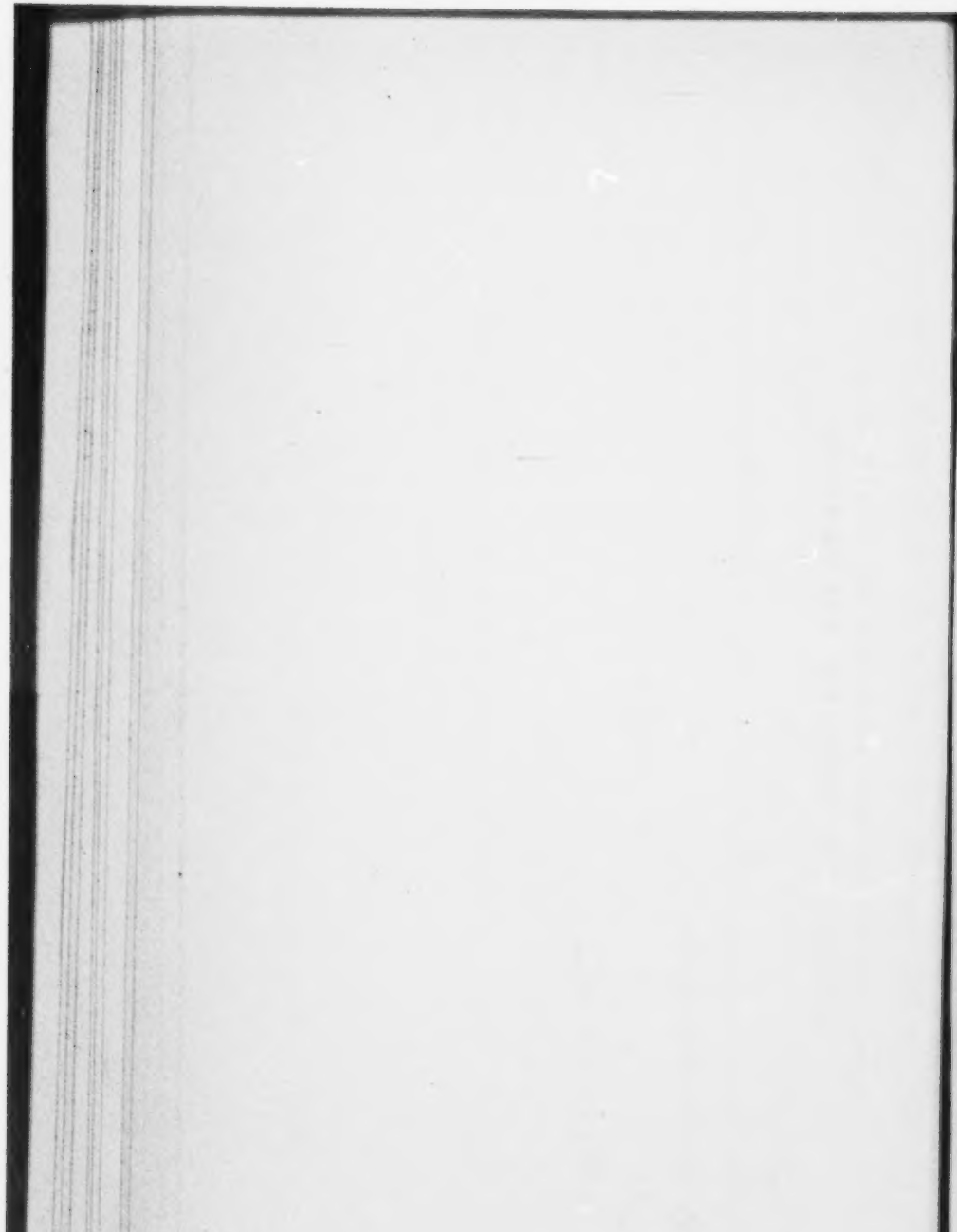
San Juan 9. 6. 13.

Felipe Vaillant,

For Carlos Valle, Ponce.

Have promised to send dispatch by mail tonight.

Manuel.



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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
14 J.	5.49 pm	5 Paid.

SEND THE FOLLOWING MESSAGE:—

San Juan 26-7-13.

Felipe Vaillant,

For Carlos Valle, Ponce.

Your presence here is urgent.

Manolo.

197

THIS PAGE IS BOUND V

Exhibit FFF for the Gov't #553 Cr. Filed March 27th,1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 12 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK
4: Ma: Kf: Wx:		5 Paid.

SEND THE FOLLOWING MESSAGE:—

San Juan July 26/1913.

Carlos Valle,

Cabo Rojo,

Telegraph cause of delay. Prejudice interests.

Manolo.

~~198~~ 198

THIS PAGE IS BOUND V

Exhibit CGG for the Gov't # 553 Cr. Filed March 27th. 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
15 J.	8.05 pm	8 Paid.

SEND THE FOLLOWING MESSAGE:—

San Juan 26-7-13-

Felipe Vaillant,

For Carlos Valle, Ponce.

Answer my telegram Your delay prejudices my interests.

Manolo.

199

THIS PAGE IS BOUND V

Exhibit HHH for Gov't #553 Cr. Filed, March 27, 1914.

Form 29—R. 1189—Aug. 14, 1913—500,000.

GOVERNMENT OF PORTO RICO.
DEPARTMENT OF THE INTERIOR.

BUREAU OF INSULAR TELEGRAPH.

TELEGRAM.

192 200

Felipe Vaillant

Para Carlos Valle

No. _____ P Po----- 200

Charges Pdo

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Exhibit HHH for Gov't #563 Cr. Filed, March 27, 1914.

Form 29—R. 1189—Aug. 14, 1912—500,000.

GOVERNMENT OF PORTO RICO.
DEPARTMENT OF THE INTERIOR.

BUREAU OF INSULAR TELEGRAPH.

TELEGRAM.

195 201

Felipe Vaillandt

Para Carlos Valle

No. _____ P Ponce 201

Charges Pdo

121
1922

202 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co.

Jul- 18, 1913.

SAN JUAN, P. R., Station, —— —, 19—.
Prefix —. No. 1267. Code H. No. of Words 3.
Received from S. T. At 8:34 — m. By me, J. N. L.

From —— ——.
To Cerecedo, San Juan, P. R.

Perfectos—The merchandise is ready.

S. DOMINGO.

17th.
V Pap.

Waterloe & Sons, Limited, Printers, London Wall, London.

203 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Jul- 25, 1913.

San Juan, P. R., Station, ——, 19—.
Prefix —, No. 1689; Code, H; No. of Words, 4.
Received from S. T. at 8.54 —. m. by me J. N. L.
From —— ——.
To Cerecedo, San Juan.
Saboreda—When did the vessel sail?
Conteste—Answer.
St. Domingo, 24.

V. PAP.

Waterloe & Sons, Limited, Printers, London Wall, London.

204 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Jul- 26, 1913.

San Juan, P. R., Station, ——, 19—.

Prefix —, No. 1803; Code. E. L. S.; No. of Words, 6.
Received from S. T. at 5.11 —. m. by me J. N. L.
From —— ——.
To Cerecedo, San Juan, P. R.
Laidement—When will — leave?
Tarjetazo—There is no time to spare.
Capudones—Can charter sailing vessel at about.
Umbery—This is urgentant demands immediate reply.
St. Domingo.

V. PAP.

Waterloe & Sons, Limited, Printers, London Wall, London.

205 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Aug. 1, 1913.

San Juan, P. R., Station, ——, 19—.

Prefix —, No. 10; Code, H; No. of Words, 5.
Received from S. T. at 8.50 a. m. by me P. S.
From —— ——.
To Cerecedo, San Juan, P. R.
Activo—Merchandise are ready, order form.
Sorbian—Do you wish us to ship merchandise by French vessel addressed to St. Thomas to be deposited with the house of A. Lugo.
Sorcion—It is easier to charter schooner to take merchandise to San Juan.
St. Domingo, 31st.

V. PAP.

Waterloe & Sons, Limited, Printers, London Wall, London.

206 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Aug. 9, 1913.

San Juan, P. R., Station, ——, 19—.

Prefix —, No. 535; Code, O. G.; No. of Words, 17.
Received from S. T. at 4.45 —. m. by me J.
From —— ——.
To Cerecedo, San Juan, P. R.
Cable—Cable.
Despacho—Sent.
Resultado—Results.
Seteciento—Seven hundred.
Canalera—French vessel.
No— } we cannot.
Podemos— }
Responsibilidad—Responsibility.
Tarde—Late.
Mil—One thousand.
Carlos—Carlos.
Por—By.
Mayaguez—Mayaguez.
Aceptar—Accept.
S. Domingo.

V. P. P.

Waterloe & Sons, Limited, Printers, London Wall, London.

207 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Aug. 12, 1913.

San Juan, P. R., Station, ——, 19—.

Prefix —, No. 660; Code, Q. E.; No. of Words, 6.
Received from S. T. at 4.46 —. m. by me J. N. L.
From —— ——.
To Cerecedo, San Juan, P. R.
Vapor—Ship.
Jacagua—Jacaguas.
Resultado—Results.
Sordone—You are authorized to charter a vessel to bring mer chandise and you may offer the sum of $300 to $500 with despatcl to St. Thomas but to pass in front of this port to tranship to boa which will go out to get them.
St. Domingo.

V. PAP.

Waterloe & Sons, Limited, Printers, London Wall, London.

208 EXHIBIT PPP FOR GOV'T, #553, CR.

(Filed March 27th, 1914.)

No. 2.

West India and Panama Telegraph Company, Limited.

West India & Panama Cable Co., Aug. 18, 1913.

San Juan, P. R., Station, ——, 19—.

Prefix —, No. 964; Code, K; No. of Words, 4.
Received from S. T. at 10.35 —. m. by me F.
From —— ——.
To Cerecedo, San Juan.
Tocado—The Chief Officer.
Mas—More.
Sanyodomingo.

V. PAP.

Waterloe & Sons, Limited, Printers, London Wall, London.

209 EXHIBIT QQQ FOR THE GOV'T, #553, CR.

(Filed March 27th, 1914.)

Haywood Dr.—18 Soll St. Do not Send to Santurce.
Hermanos Guillot Hotel Reformada Colon.
Herzarte. Blas Hernandez c/o Villa.
Huntcumco, M. R. Reeves c/o Hernaiz Targa & Co.
[Hooken Mary Hooken Mirama Stop 12.]*
Higsmith, Higbie Smith c/o G. Orton Elmore, Centrale Aguirre.
Hopwilis }
Harryhop } P. C. Hopkins, Hotel Eureka.
Hazelhop }
Hillovidio, V. Hil—Ingltra.
Heligtion Jose Manuel Hernandez c/o Nicolas Hernandez H. & B. until further.
Hall, Jm. W.—deliver—Ny. P. R. Co.
[Hedges W. L., Eureka Hotel, P. R. Motor Co.]*

[* Words and figures enclosed in brackets erased in copy.]

Hutton Rio Piedras (The 27 Apl., 1912) by Tels.
Hodges { during day, P. R. Motor Co.
" night, Eureka Hotel.
Hooker, Mrs., Naval Station.
Hewitt, Miss Hewitt, 45 Allen top floor.
Hunter Finaly's Saw Mills till 5 p. m. after care Gillies & Woodward 29/6/12.
Heida } 46 San Francisco.
Hermida }
Howardbate c/o Arturo Bravo.
Haeden or Haegen. Send to H. & B. for Haeden.
Heagan Schr H. Crosby.
Harvey, A. J. Except Sundays, Holidays & Saturday p. m.'s—deliver Federal Court otherwise Pio Oiedras ("Collect").
25/4/11, Heuer Sjn., hold in office, will call for mge.
Bearded Lippitt Send to H. S. Hubbard. See notice on wall.
Holst send c/o Bonce, Royal Bank.
Hanna, Mrs. Bayamon.
Hodgdon, Col., Hotel Hotel.
Hispaniola Peny Allen c/o Martin Travieso. [Eureka Hotel.]*
210 M. S. Hay, 2nd Lieut., Algonquin.
Heligtion Gen'l José Manuel Hernandez, San Francisco, 53 1st piso c/o Hernandez & Barasorda.
Hathaway, Schr. Samuel Hathaway.
Haythurco: A Etcheverria Hotel, Inglaterra.
Hilton: Miss Helen Baker, Hotel Nava Santurce.
Hopwillis } "J. C. Hopkins, Hotel Colonial.
Harryhop } " " "
Hazelhop } " " "
Hukett } H. Beckett c/o Insular Line.
Hudson } c/o Finlay Bros.
Lorenzo Homar, Cruz St.

[* Words and figures enclosed in brackets erased in copy.]

Exhibit RRR for Gov't # 553 Cr. Filed March 27th, 1914.

No. 1A.

WEST INDIA AND PANAMA TELEGRAPH COMPANY, LIMITED.

San Juan Station, Jul 28 1913 191__ No. of Words. 3

Prefix ____ No. 1660 Code J. B

Sent to N At 10^5 By me F

Via HAVANA.

Message	: 2	: 70
Porterage B	: 1	: 29 J
Reply	:	:
Repetition	:	:
Continental Tariff	:	:
Total $	: 3	: 99

To MANON

Santo Domingo

P O S T A L	- The vessel has been unable to leave and am		
	making effort to obtain another to send for the		
	merchandise.		
		San Juan, P. R.	
		Viapap	

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, howsoever such non-transmission, non-delivery, delay, or error shall have occurred.

The Control of the Company over the Message shall be deemed to have entirely ceased for the purposes of these Conditions at any point where, in the course of the transit of the Message to its destination it may be entrusted by the Company (and the Company shall have full power so to entrust the Message) for further transmission by or through any system, service or line of Telegraph belonging to or worked by any administration or authority not controlled by the Company exclusively, although worked as part of or in connection with the Telegraphic system or service of the Company.

I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender Herda *Address* 46 San Francisco Street.

~~205~~ 211

Exhibit RRR for Gov't #553 Cr. Filed March 27th, 1914.
Jul 30 1915

No. 1A.

WEST INDIA AND PANAMA TELEGRAPH COMPANY,

LIMITED.

133

San Juan, P. R. Station, Jul 31 1913 191__ No. of Words. 3

Prefix _____ No. 1872 Code _____

Sent to SG At 1023 By me F

Via HAVANA.

Message		: 2	: 70
Porterage	B	: 1	: 29
Reply		:	:
Repetition		:	:
Continental Tariff		:	:
Total	$	: 3	: 99

To MANON

Santo Domingo

A D U N A	-The chartered vessel sailed today: carries		
	Dominican flag.		
		San Juan, P. R.	
		V P P	

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, howsoever such non-transmission, non-delivery, delay, or error shall have occurred.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender H erde *Address* San Francisco

46

212

THIS PAGE IS BOUND VERTICAL IN BOOK

No. 1A.

WEST INDIA AND PANAMA TELEGRAPH COMPANY,

LIMITED.

133

San Juan, P.R. Station, Aug. 4 1913 191 No. of Words. 9

Prefix ____ No. 129 Code H

Sent to St At 8 10 By me J

Via HAVANA.

Message	B	: 8	: 10
Porterage		: 3	: 87
Reply		:	: J
Repetition		:	:
Continental Tariff		:	:
Total	$	: 11	: 97

To MAÑÓN

Santo Domingo

REMITA -	Send		
MILL -	1.000		
RESULTADO -	Result		
ULTIMO -	Last		
SORTEO -	Drawing		
POR -	by		
VALLE -	Valle	San Juan, P.R.	
		Via Pap	

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, howsoever such non-transmission, non-delivery, delay, or error shall have occurred.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender Villarino *Address* Cruz 12

213

THIS PAGE IS BOUND VERTICAL IN BOOK

Exhibit RRR for Gov't #553 Cr. Filed March 27th, 1914.

No. 1a.

WEST INDIA AND PANAMA TELEGRAPH COMPANY,

LIMITED.

San Juan, P.R. Station, Aug 8 1913 191 No. of Words. 21

Prefix ____ No. 444 Code ____

Sent to S T At 406 By me Om P

Via HAVANA.

Message		: 18	:90
Porterage	B	: 9	:03
Reply		:	: JH
Repetition		:	:
Continental Tariff		:	:
Total	$	: 27	:93

To MAÑÓN

Santo Domingo

AUTOMOVIL - Automobile	PRASIDENT- President
VENDEDORES- Sellers	NIENGASE - Refuse
OBSOLUTO- Absolutely	VENDER- Sell
MERCANCIA- Merchandise FALTA- Lack	POR- for MILL- 1.000
LISTINES - Lists	DECLINO- Decline
RESPONSIBILIDAD- Responsibility	MATERIAL- Material
IMPOSIBLE- Impossible	VENDER- Sell
CARLOS- Carlos	No- LLego } Has not arrived.

CONDITIONS.

San Juan, P. R.

VIA PAP

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, however such non-transmission, non-delivery, delay, or error shall have occurred.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender M. Villanueva *Address* Cruz 12

214

THIS PAGE IS BOUND VERTICAL IN BOOK

Exhibit RRR for Gov't # 553 Cr. Filed March 27th, 1914.

No. 1A.

WEST INDIA AND PANAMA TELEGRAPH COMPANY, LIMITED.

San Juan, P. R. Station, Aug 15 1913 191 No. of Words. 3

Prefix _____ No. 784 Code J

Sent to S T At 9 01 By me Am J

Via HAVANA.

Message	B	: 2	:70
Porterage		: 1	:29
Re[illegible]		:	: D
[illegible]tion		:	:
Cont[illegible]tal Tariff		:	:
Total		: 3	:99

To Mañon

Santo-Domingo.

F E L I Z -	The merchandise arrived well, is now insured by the company.		
		San Juan, P. R.	
			Via Pap

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, howsoever such non-transmission, non-delivery, delay, or error shall have occurred.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender M. Villarini. *Address* Cruz 12

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THIS PAGE IS BOUND VERTICAL IN BOOK

Exhibit RRR for Gov't #553 Cr. Filed March 27th, 1914.

No. 1a.

WEST INDIA AND PANAMA TELEGRAPH COMPANY,
LIMITED.

San Juan, P. R. Station, Aug 22 1913 191 No. of Words. 8

Prefix ____ No. 1173 Code O H

Sent to S T At Five By me J.

Via HAVANA.

Message	B	: 7	: 20
Porterage		: 3	: 44
Reply		:	:
Repetition		:	:
Continental Tariff		:	:
Total	$	: 10	: 64

J

To Mañon

Santo Domingo

REMITA -	Send		
RESUMA -	Resume		
UNICO -	Only		
CONDUCTO-	Conduct		
PASAGEROS-	Passengers		
ALEMAN -	German		
		San Juan, P. R.	
			Via Pap

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

The Company shall not be liable to make compensation beyond the amount to be refunded as above for any loss, injury, or damage arising or resulting from the non-transmission or non-delivery of the Message, or delay or error in the transmission or delivery thereof, however such non-transmission, non-delivery, delay, or error shall have occurred.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender Zabala- Hotel Roma *Address* ____

THIS PAGE IS BOUND VERTICAL IN BOOK

No. 1A.

WEST INDIA AND PANAMA TELEGRAPH COMPANY, LIMITED.

San Juan, P. R. Station, Sep 2 1913 191 No. of Words. 8/7

Prefix. 60 No. 93 Code Rs

Sent to Z At 5 24 By me J

Via HAVANA.

Message	: 6	:30
Porterage	: 3	:01
Reply	:	:
Repetition	:	:
Continental Tariff	:	:
Total $	: 9	:31

J

To Mañon

Santo-Domingo

S U S T R A I D	O- Stolen		
M A Y O R -	Capital		
17 -	17th		
N O -	Do not		
P A G U E -	Pay		
		San Juan, P. R.	
		Via Pap	

CONDITIONS.

The Company may decline to forward the Message, though it has been received for transmission; but in case of so doing shall refund to the Sender the amount paid for its transmission.

In case the Message shall never reach its destination by reason of any neglect or default of the Company or its Servants whilst the Message remains under the control of the Company, they will refund the amount paid by the Sender for such Message.

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I request that the above Telegram may be forwarded according to the *foregoing Conditions*, by which I agree to abide.

Signature of Sender Marcial Herda *Address* San Francisco 50

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THIS PAGE IS BOUND VERTICAL IN BOOK

553 Cr. Exhibit SSS for the Gov't, filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
~~17~~	~~9.30 a~~	8 pid

SEND THE FOLLOWING MESSAGE.—

Jun 7 1913

Carlos Valle,

c/o Agencia Vaillant,

Ponce,

Andres leaves to-morrow's train; wait at the station.

Everything O. K.

Cerecedo.

THIS PAGE IS BOUND VERTICAL IN BOOK

Exhibit SSS. for the Gov't # 553, Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
129	4.45 p	7 pid

SEND THE FOLLOWING MESSAGE:—

June 8-1913.

Felipe Vaillant,

for Valle,

Ponce,

They have promised to forward dispatch by to-night's mail.

Manolo,

Exhibit SSS. fot the Gov't, # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
161	8 pm	8 pid

SEND THE FOLLOWING MESSAGE:—

Playa Ponce, July 26 1913.

Felipe Vaillant,

for Carlos Valle,

Answer my telegram, your delay is detrimental to my interests.

Manolo.

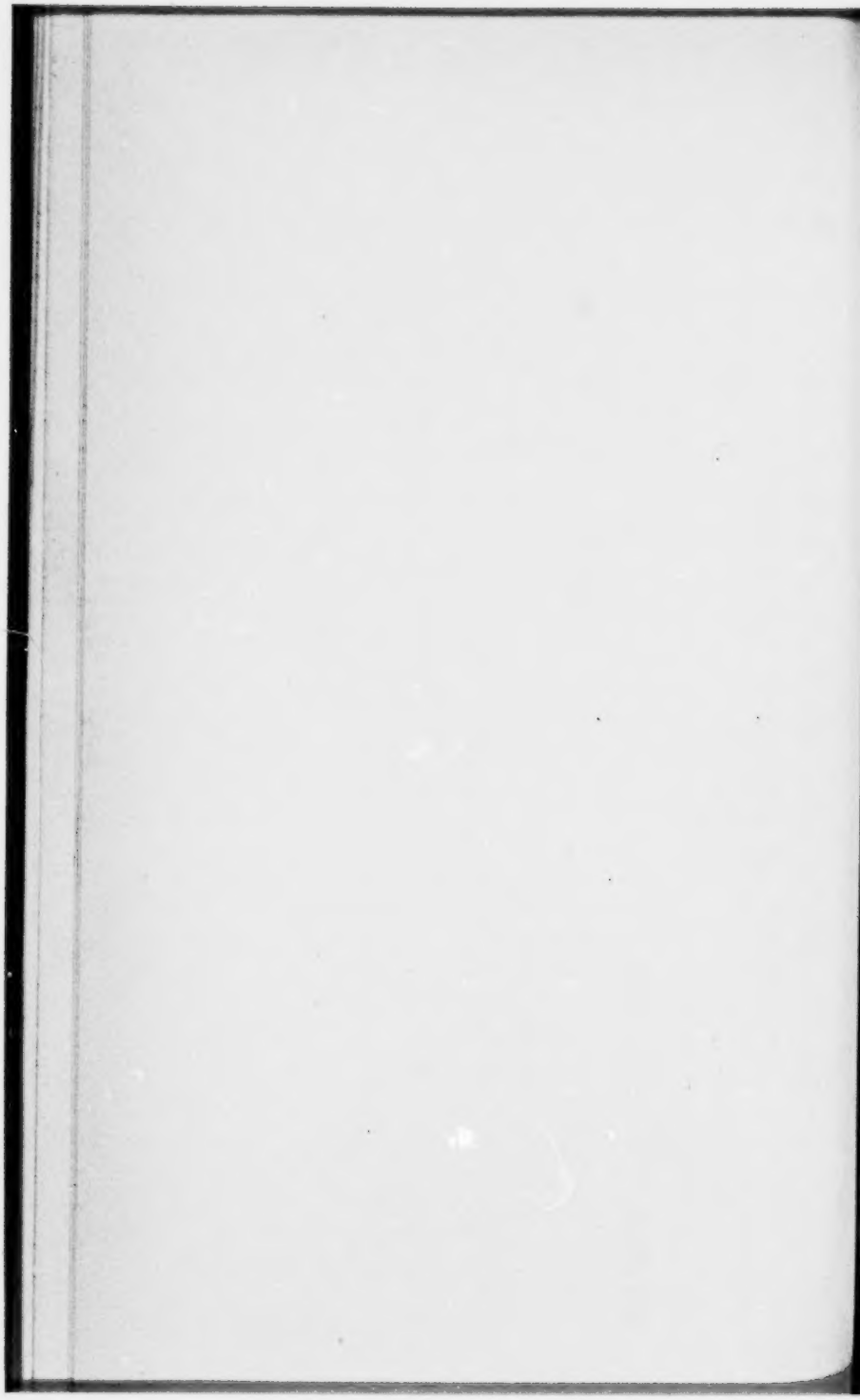

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
149	5.45 p	5 pd.

SEND THE FOLLOWING MESSAGE:—

Playa Ponce, July 26/1913

Felipe Vaillant,

for Carlos Valle,

It is urgent that should be here.

Manolo.

553

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
3	9.10 a	4 pd.

SEND THE FOLLOWING MESSAGE:—

July 27 1913.

Pedro Casanovas,

Ponce,

Wire me delivery letter Casals.

Manolo,

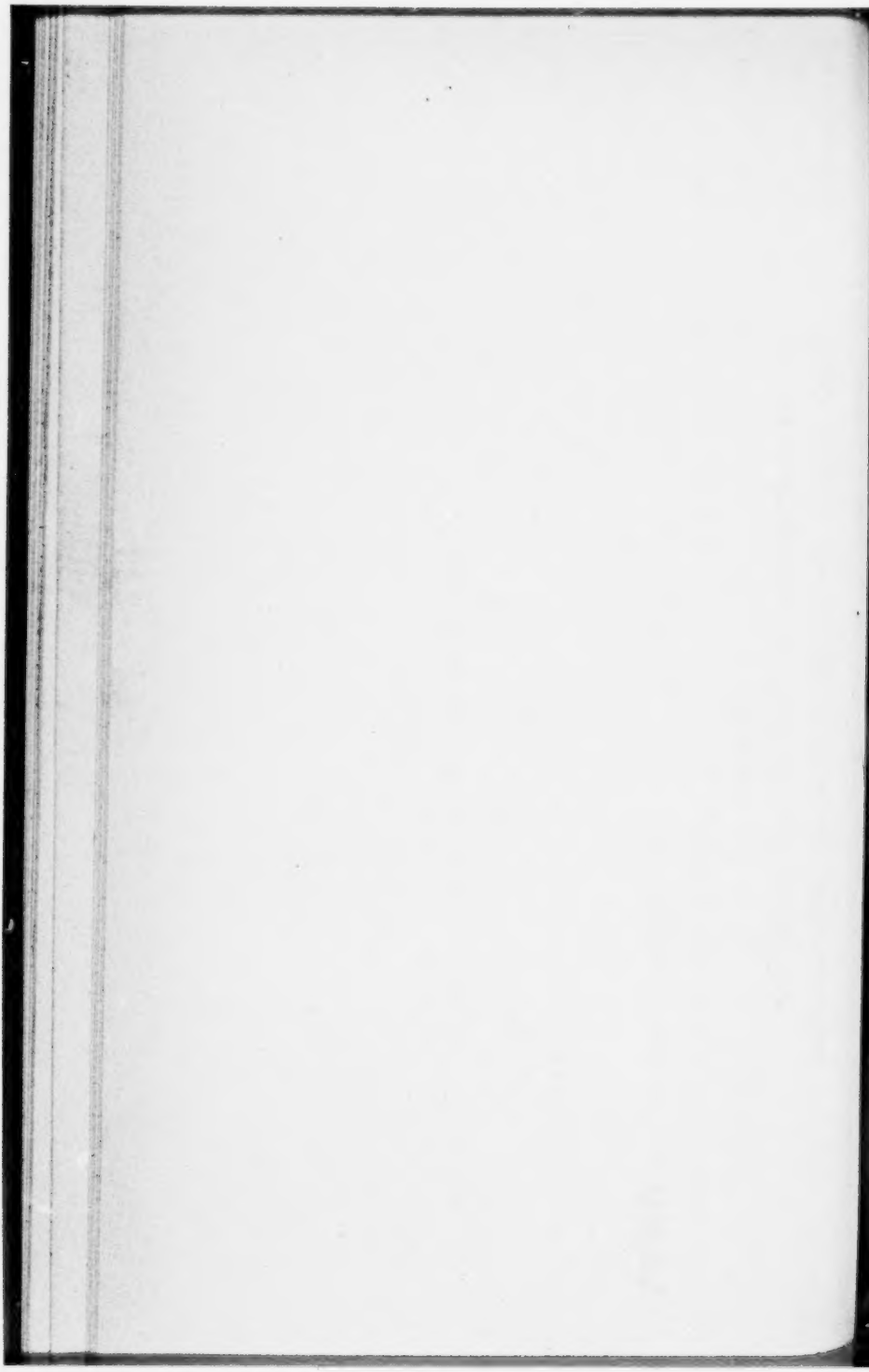

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
70	2.15 p	11 pd

SEND THE FOLLOWING MESSAGE:—

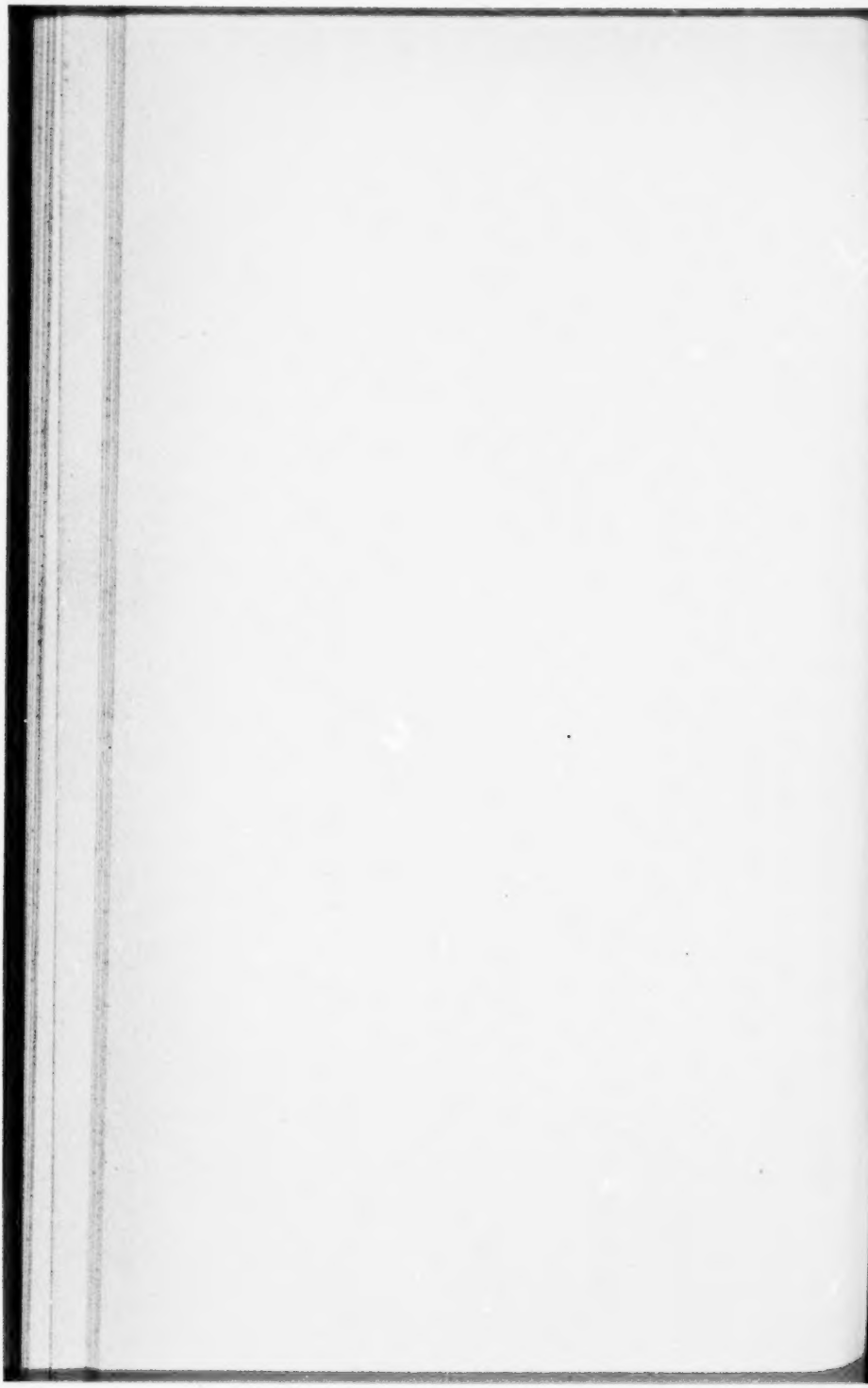
July 29, 1913.

Pedri Casanovas,

for Arturo,
Ponce.

I placed package hotel, do not call for it; about your letter I am writing by mail.

Manolo.



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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
53	11.45 a	6 pd.

SEND THE FOLLOWING MESSAGE:—

July 29, 1913.

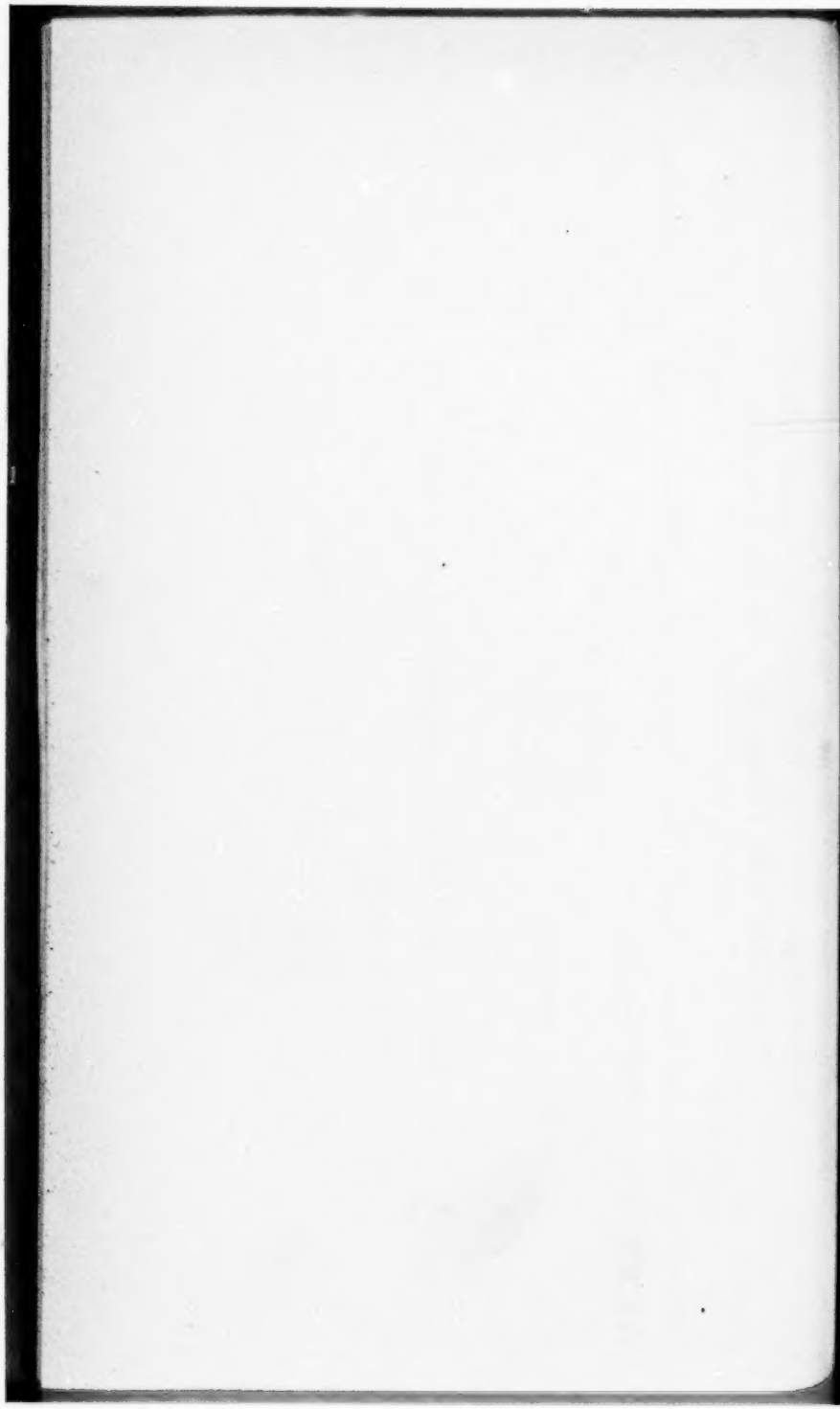
Hotel Frances,

Ponce.

Emilio Cortada will personally call for

my " encargo "

Cerecedo,



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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
70	5.10 p	18 pd.

SEND THE FOLLOWING MESSAGE:—

July 30 1913.

Emilio Cortada,

Ponce.

Sell sacks at two dollars each, I wish you to control market there remain in five hundred more here at your orders. Wire me daily results.

Manolo.

217 .225

EXHIBIT "A" for Gov't #333 et. Filed March 27th, 1914.

Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
33	11.10 A	20 pd.

SEND THE FOLLOWING MESSAGE:—

July 31 1913.

Emilio Cortada,

Ponce,

Letter received, if you cannot place sacks net price quoted there is no other way. Inquire Hotel Inglaterra Carlos Lamoutte and deliver him sample.

Manolo,

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 12 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
53	4 pm	18 pd

SEND THE FOLLOWING MESSAGE:—

Aug. 7 1913.

Pedro Casanovas,

Ponce,

I urge you to ask Grillasca there to deliver to you package of old samples for which I will send to-morrow by Carlos Lamout.

Manolo.

1451

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DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
111	4.55 p	9 Pid

SEND THE FOLLOWING MESSAGE:—

Aug- 1913.

Pedro Casanovas.

for Octavio,

Ponce.

Am expecting them either to-day or to-morrow. Will wire you immediately.

Manolo .

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
7	8 am	17 pid

SEND THE FOLLOWING MESSAGE:—

Aug 27 1913

Pedro Casanova,

Ponce,

It is urgent that you should wire me the number on the cover of each package of the two I have down there.

Manolo.

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Exhibit SSS for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
65	11.45 a	22pd.

SEND THE FOLLOWING MESSAGE:—

Aug 27 1913

Casanovas, Ponce.

Received your letter with check, thanks.

I am waiting for your telegram informing me of the number on the cover of each package. I t is urgent.

Manolo.

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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
72	4.10 p	9 pid.

SEND THE FOLLOWING MESSAGE:—

Aug. 29 1913.

Jose Colon, Leon.

Vives,

Ponce,

I received your letters and telegrams, Am answering to-day by mail.

Manolo,

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DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
31	1015 a	9 pid.

SEND THE FOLLOWING MESSAGE:—

Cassanovas for Octavio,

Ponce.

Do not pay the big one 17th, has been subetracted.

Details by mail.

Manolo.

San Francisco 50.-

Sept 1, 1913.

550

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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
13	2-27 pm	10 Paid 25¢

SEND THE FOLLOWING MESSAGE:—

P. Ponce 6/6/13

Cerecedo,

San Juan,

I have clearance, no sailing until mondau. Await instructions.

Carlos Valle.

2 30 p. m.

233

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Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form B No.

Exhibit TTT. for the Gov't # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 12 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
29	4 P	15 paid (35)

SEND THE FOLLOWING MESSAGE:—

Ponce June 26 1913.

Cerecedo Hmns for Don Manuel.

San Juan.

Beg to tell Juan to wire me this afternoon or to-night after interview with you stating quantity.

Octavio Wys.

4-12 p. m.

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Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.
BUREAU OF INSULAR TELEGRAPH.

Form. 13 Tel.

RECEIVER'S No.	TIME FILED.	CHECK.
36	5.25 pm	10 Paid

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 27th. 1913.

Cerecedo Hmns. & Co.,

San Juan.

I wrote letter and no answer received, what is the matter; I want some information.

Colon,

5-40 p.m.

553

~~223~~ 235

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DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.-	TIME FILED.	CHECK.
31	3.15 pm	7 Paid

SEND THE FOLLOWING MESSAGE:—

Ponce. Aug. 27, 1913.

Cerecedo,

San Juan,

Convenient articles, nine and ten.

Pedro,

3-15 p.m.

154

~~222~~ 236

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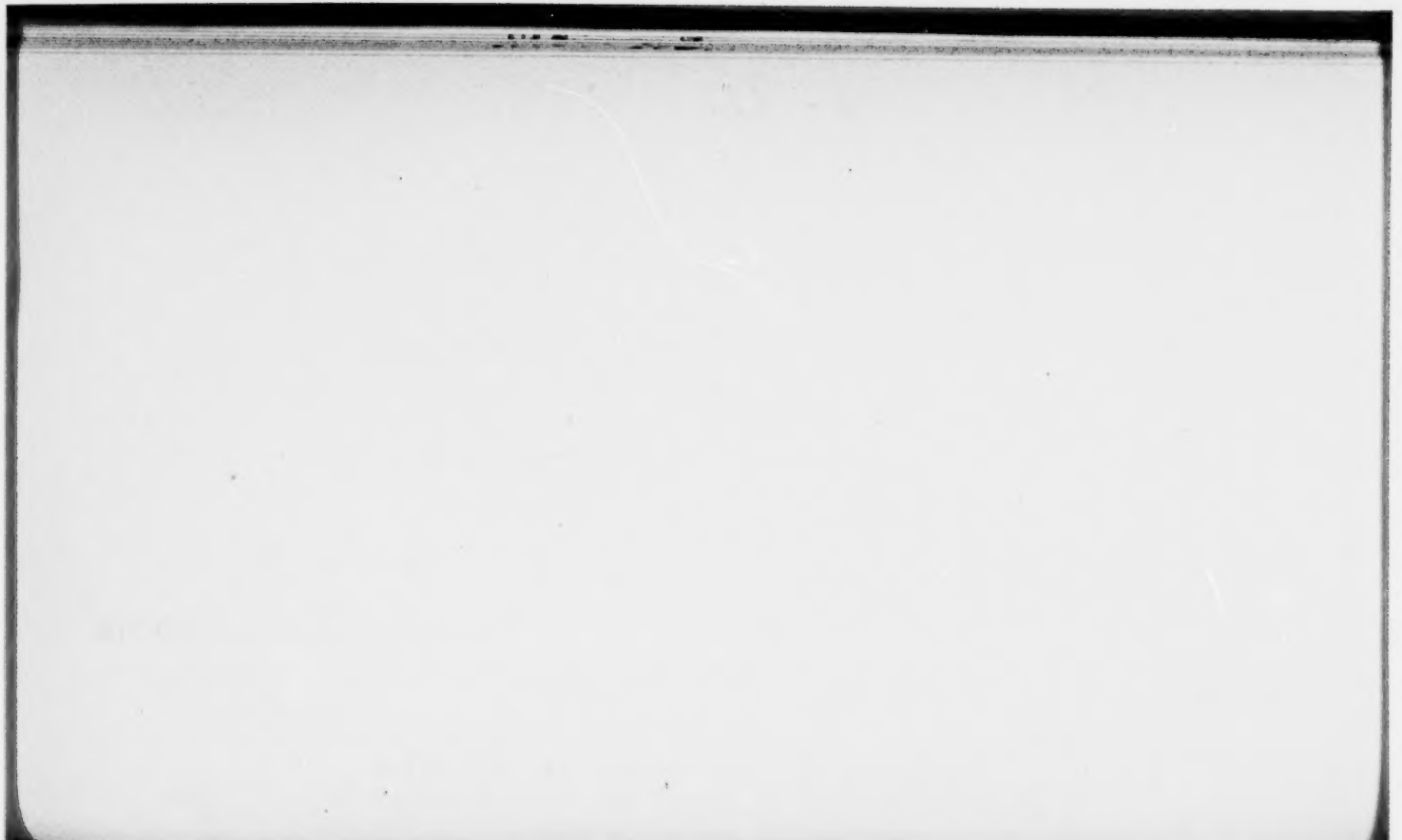

Exhibit TTT for Gov't # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
25	6.40 pm	2 Collect.

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 15 1913

Cerecedo Hemns for Justo,

San Juan,.

Satisfactory.

Carlos,

6-41 p/m

553

237

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Exhibit TTT for Gov't # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
9	11.14 a	9. Paid

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 155h, 1913.

Cerecedo Hmns,

San Juan,

Impossible to receive wines 17. I will leave for there the day after to-morrow.

Octavio.

11-20 a.m.

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Exhibit TTT for the Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
15	3.49 p	9 Paid

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 9 1913.

Manuel Cerecedo,

San Juan,

State whether the empty demijohns have arrived.

Answer paid.

Octavio.

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POOR CO

Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK
10	207 pm	11 Paid.

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 13, 1913.

Manuel Cerecedo,

San Juan,

At the hour in which I am writing, two o'clock p.m.

I have not received last remittance.

Diaz,

240

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Exhibit III for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
4	8.35 am	7 Paid

SEND THE FOLLOWING MESSAGE:—

Ponce July 28th. 1913.

Cerecedo.

San Juan,

Was delivered this morning on account of being absent.

Pedro,

8.50 a.m.

659

..241

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Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 12 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
45	10.50 pm.	40 Paid.

SEND THE FOLLOWING MESSAGE:—

Ponce August 27th, 1913.

Manuel Cerecedo,
San Juan,

Wine almost exhausted. Send me 1000 bottles and in case you cannot, then sent me seven hundred as two new customers have turned un in this locality. Forward them by morning express without fail. Parties waiting. Send them to the Delicias branck.

Arturo,

11 Am/

1000

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DEPARTMENT OF THE INTERIOR OF PORTO RICO.

Form 18 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
46	8 20 pm	10 paid

SEND THE FOLLOWING MESSAGE:—

Ponce Augus: 28th, 1913.

Manolo Cerecedo,

San Juan.

Carlos left for there, no news from you to me.

Colon,

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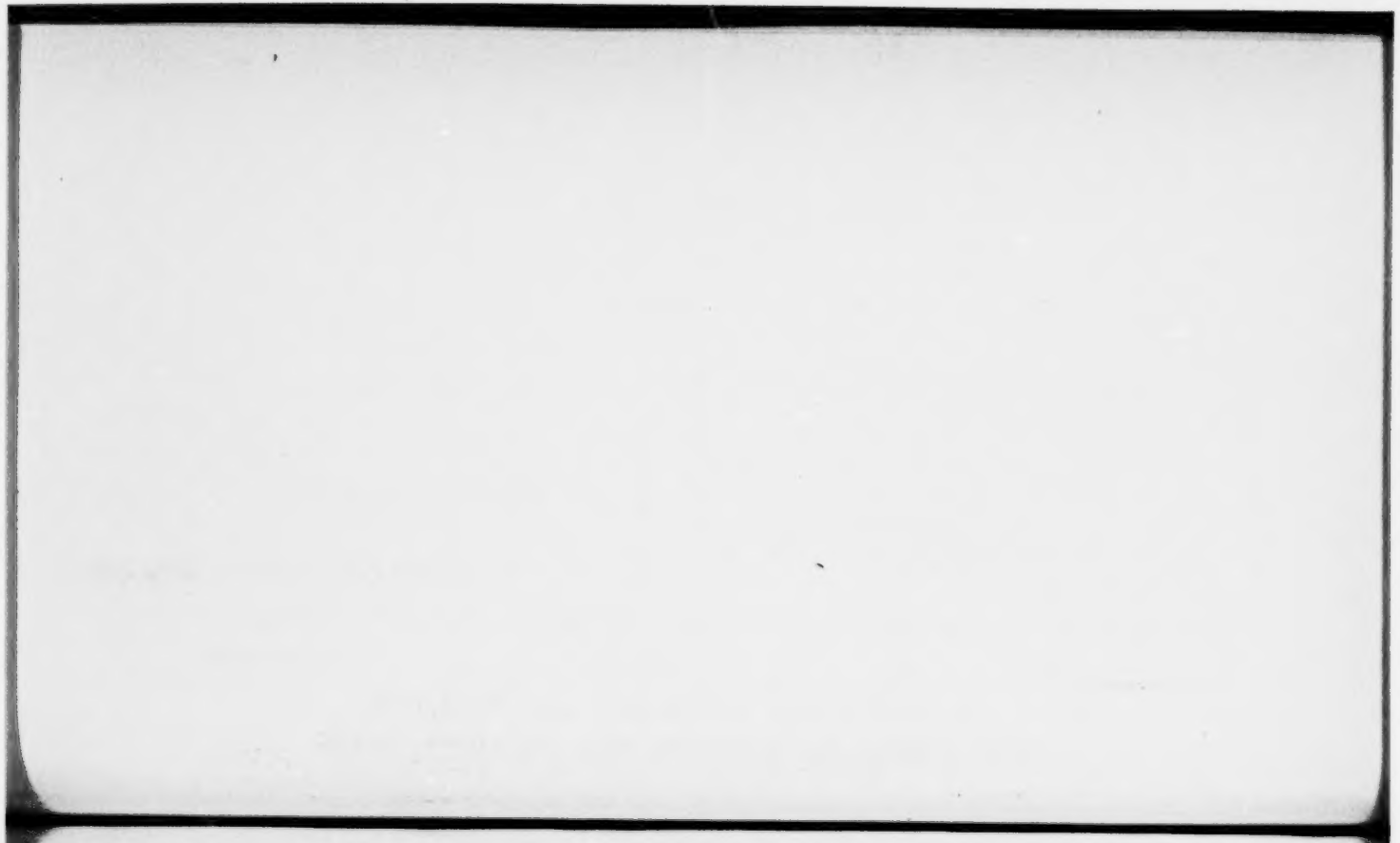

Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
24	6.40 pm	2 Paid.

SEND THE FOLLOWING MESSAGE:—

Ponce Aug. 29th, 1913.

Sr Don Manuel Cerecedo,

San Juan,

Tried to take you by surprise.

Pedro.

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Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 18 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED	CHECK.
51	12.51 p .	F paid.

SEND THE FOLLOWING MESSAGE:—

Ponce, P. R. Sept. 17/13.

Cerecedo Hmns.

San Juan,

I have finally deicded to give up all business.

Octavio,

~~222~~ 245

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Exhibit TTT for Gov't # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO.

BUREAU OF INSULAR TELEGRAPH.

Form 13 Tel.

RECEIVER'S No.	TIME FILED.	CHECK.
22	4.05 p	5 paid 25

SEND THE FOLLOWING MESSAGE:—

Ponce Pto-Rico, June 10, 1913.

Cerecedo,

San Juan,

Impossible to return, account of sickness in the family.

Andres,

4-07 m/

~~2-38~~ 246

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Exhibit TTT for Gov't # 553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
21	4.05 pm	4 Paid 25c

SEND THE FOLLOWING MESSAGE:—

Ponce Pto Rico, June 10, 1913.

Cerecedo,

San Juan,

We leave to-day. everything fixed.

C. Valle,

247

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Exhibit TTT for Gov't #553 Cr. Filed March 27th, 1914.

DEPARTMENT OF THE INTERIOR OF PORTO RICO. Form 13 Tel.

BUREAU OF INSULAR TELEGRAPH.

RECEIVER'S No.	TIME FILED.	CHECK.
~~18~~	~~11.45 p~~	~~7 paid~~

SEND THE FOLLOWING MESSAGE:—

Ponce Pto-Rico June 20th, 1913.

Cerecedo Hermida,

San Juan,

It is urgent that you should ask island immediate shipment time short.

Octavio Wys.

~~240~~ 248

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249

J.

EXHIBIT TTT FOR GOV'T, # 553, CR.

Filed Mar. 27th, 1914.

Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

June 6, '13. Jordan.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
1	8.40	Cable	A. F. 850 H.	....	
2	"	Korber	W. E. Korber, Jr.	....	
3	"	J. de G. Benitez	Jose Guzman Benitez	8.45	
4	"	Bull Line	H. C. S.	8.55	
5	"	Cable	A. F. 850 Hr.	....	
6	"	Tesorero	Roys	8.50	
cita	9.40	B. Ramos	B. Ramos	....	
26	"	O. G. Romanat	O. G. Romañat.	10.00	
27	"	F. Burnett	C. M. Vargas.	10	
28	"	Jefe P. I.	T.	10.15	
29	"	C. Custums	M. de Suros.	1.02	
30	"	F. Janer	F. Janer	10	
31	"	Korber	Korber	9.45	
32	"	Ricorice	Ricorice	9.50	
53	10.40	Prexco	Porto Rican Express Co.	10a.m.	
54		Cable	J. N. L.	11.00	
55		V. Brac	V. Brac	1.45	
56		Padre Rivera	P. Vassallo	10.50	
57		M. Morales	M. Morales	10.30	
58		Giusti	Giusti	11	
59	10.40	Cable	J. N. L.	11.20	
60	"	Bdo. Carmen	B. Rodriguez.	1.45	
75	11.40	J. G. Fernandez	J. Gomez	12o'clock	
76	"	Educacion	A. Perez	12.50	
77	"	A. Mayoral	Amgel M. Mayoral	11.00	
78	"	Cable	A. S.	12	
79	"	Ins. Line	Eduardo Reyes	....	
80	"	Alcazar	Jose Iglesias	11.42	
81	"	Cable	A. S.	12	
86		Cable	J. N. L.	1.3	
47		J. Fernandez	Jose Fernandez	11.55	
94	1.40	G. C. Rosic	G. C. Rosich.	....	
97		Cable	A. S.	1.55	

No.	Time sent out.	Address.	Received by—	Time re- ceived.	Charges.
99		Treas	Roys	1.45	
100		Cable	A. S.	1.55	
101		Cable			
102		Villar	Luiña	1.50	
103		Treas	Roys	1.05	
104		Cable	A. S.	1.55	
105		Treas	Roys	1.45	
115	2.40	Cable	A. F.	2.40	
116		C. B. Castaño	C. B. Castaño	2.45	
117		Treas	Roys	2.50	
118		F. R. Shanton	W. N. D.	2.55	
119		Cerecedo	Cerecedo	2,57	
120		J. Lorenzo	Julio Lorenzo	3	
121		E. Saldaña	Ant. Alvarez	3.05	
122		Purderson	A. Martinez	3.08	
123		Cable	A. F.	3.50p.m.	
142	3.30	Aguilar	Aguilar	3.40	
143		Mrs. Carrel	Ant. Alvarez	3.35	
144		Cable	A. S.	3.45	
145		Cable			
163	4.45	San Juan Coal Co.	A. Quintana	4.50	
164		Jefe P. I.	Fernandez	5.15	
165		Hathaway	E. W. H.	4.55	

LUIS JORDAN.

250 J.

Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

June 10, '13. Eugenio.

No.	Time sent out.	Address.	Received by—	Time re- ceived.	Charges.
cita	9.00	R. Mesorana	Mauricia	9.15	
10	"	Zimmerman	A. B. Zimmerman	9.30	
11	"	Cuetara	Cuetara	9.35a.m.	
12	"	Jefe P. I.	Wm. Amy	....	
13	"	Depint	F. Ferrer	9.10	
14	"	Newtorico	N. Y. & P. R. S. S. Co.	9.15	
15	"	J. I. Lopez	J. I. Lopez	9.20	
16	"	Cable	A. S.	9.20	
17	"	Ochoa	Ochoa	9.45	
18	"	Newtorico	N. Y. & P. R. S. S. Co.	9.15	
38	10.00	Sanidad	A. B. Zimmerman	10.25	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
39		Lachman	Jose D'Elias	10.35	
40		W. D. Noble	Juan Arroyo	11.20	
41		Cable	J.	10.20	
43		Atlas Line	Vicente Negron	10.25	
45		O. M.	C. O. M.	10.20	
46		Swift	Swift	10.15	
47		Blanco	Blanco	10.25	
48		Piza	Piza	10.15	
49		Cuetara	Cuetara	10.20	
50	10.00	Lachman	Jose D'Elias	10.35	
51	"	Dooley	F. Bonhip	10.40	
52	"	Villar	Luiña	10.35	
53	"	Cable	J.	10.20	
54	"	A. de la Haba	En lista Dn Andres.	....	
55	"	Ezquiaga	Esga.	10.20	
56	"	Cable	J.	10.20	
60	11.00	Jefe P. I.	}		
61	"	Jefe P. I.	} En lista Jordan	....	
66	12.00	Educacion	Rechani	1.10	
67	"	Salinera	Arturo Bravo	12.50	
68	"	Barasorda	H.	12.55	
69	"	Townshead	Mario Carrion	12.15	
70	"	S. Morales	Sanchez Morales	12.45	
71	"	Royal Bank	E. Leschhorn	12.20	
72	"	Treas	L. A. Vaella	1.10	
73	"	Hartzell	H. R. S.	1.15	
74	"	Ins. Line	A. Martinez, Jr.	1.15	
79	1.00	St. Elmo	B. Airly	1.30p.m.	
77	2.00	Luisa Muñoz	Luisa Muñoz	3.00	
79	2.00	Costa	Jose D'Elias	2.33	
80	"	P. R. Transportation	A. Santurce	....	
81	"	R. W. Martinez	R. W. Martinez	2.30	
82	"	Julbe	} Andres Gonzalez	2.11	
83	"	Julbe	} Andres Gonzalez	2.11	
84	"	R. Ferrer	Jordan	2.15	
85	3.00	Cable	J. N. L.	3.10	
86	"	W. F. Sands	Sands Hrs.	3.15	
87	"	Cable	J. N. L.	3.10	
88	"	Col. P. I.	Wm. Amy	3.25	
89	4.15	Woodson	Woodson	4.25	
90		Jefe P. I.	Fernandez	4.55	
91		Cable	J. N. L.	4.26	
92		Cerecedo	Cerecedo	4.20	
93		Cerecedo	Cerecedo	4.20	
94		Gabesosa	Mansano	4.25	
95		R. W. Martinez	Faustino	4.20	
96	5.30	Treas	Cerrado	....	
"		Cable	J. N. L.	5.30	
97	8.00	Jefe P. I.	Norat	8p.m.	
"		J. Saul	J. Saul	8.15	
"		Couvertie	Couvertie	8.25	

251 J.

Government of Porto Rico,
Department of the Interior,
Bureau of Insular Telegraph.

June 20, '13. Alejandro.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
6	8.45	Americol	Quiñonez	8.55	
7	"	Gonz. Padin	E. Fonseca	8.40	
8	"	Zequeira	Acosta	8.50	
9	"	E. D. Jorup	F. Ferrer	9.42	
35	9.45	Olalla	Olalla	9.50	
36		Sanidad	W. R. Walton	9.55	
37		Cable	J. N. L.	9.55	
38		Treas	P. Lakes	9.54	
39		Educacion	F. P. M.	9.50	
59	10.45	M. Travieso	M. Travieso	10.55	
60	"	M. Paniagua	F. Gonzalez	10.50	
61	"	Camara	Jose C. Calderon	....	
81	12.10	Treas	En lista Elvira	....	
82		El Tiempo	A. C. Roque	12 1/4	
83		R. Serra	Americo Miranda	12.20	
84		S. Ramirez	S. Ramirez por Bazan	12.25	
85		Educacion	En lista Elvira	....	
86		Cerecedo	Cerecedo	12.50	
87		Treas	En lista Elvira	....	
88	12.00	Educacion	F. P. M.	2.05	
100	2.00	Educacion	En lista Elvira	....	
101		Llabres	Llabres	2.10	
102		J. Aviles	Aviles	2.20	
103		Cable	J. N. L.	2.17	
104		M. Pesquera	M. Pesquera	2.35	
105		S. Morales	J. S. Morales	2.45	
107		W. I. Oil	W. India Oil Co	....	
107		R. Ferrer	Blanco	2.10	
108		Ochoa	Ochoa	3.00	
109		Balandro Carmen	B. Rodriguez	....	
110		Ezquiaga	Ezquiaga	2.15	
89		Cable	J. N. L.	2.17	
143	4.00	S. Ramirez	S. Ramirez	4.20	
144	"	Treas	P. Lakes	4.10	
145	"	A. C. Villariny	Villariny	....	
151	5.15	Cable	A. S.	5.25	
152		Newtorico	E. R. de Arellano	....	
153		J. Aviles	Aviles	4.35	
173	7.45	Jefe P. I.	Franceschi I. P.	8.30	
174	"	Portilla	Portilla	8	
175	"	Jefe P. I.	Francheschi I. P.	8.30	
176	"	Jefe P. I.			

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Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

June 26, '13. Eugenio.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
6	9.00	Newtorico	N. Y. & P. R. S. S. Co.	9.20	
7	"	Couvertie	Couvertie	9.20	
8	"	Cable	J.	9.15	
9	"	I. Abudo	Abudo	9.35A.M.	
10	"	Fritlundt	Fritze Lundt & Co. Sucs.	9.18	
11	"	Jefe Prisiones	S. Mampa	9.10	
17	10.00	Newtorico	N. Y. & P. R. S. S. Co.	10.25	
18		Lundt	Frtize Lundt	10.10	
19		Newtorico	N. Y. & P. R. S. S. Co.	10.25	
20		Ex. Council	W. K. B.	10.10	
21		J. de Diego	D. Steffens	10.10	
22		Newtorico	N. Y. & P. R. S. S. Co.	10.25	
37	11.00	A. Gonzalez	A. Gonzalez	11.15	
38	"	Royal Bank	Bazan	11.10	
39	"	R. M. Reyes	A. Torres Cordova	11.50	
40	"	Cable	A. S.	11.20	
cita	"	A. Morera	Devuelta	....	
41	"	Vivaldi	A. Maisonet	11.10	
42	"	Gob. de P. R.	Audinot	11.05	
43		Treas	Roys	11.15	
57	12.00	Ochoa	Por el Buzon	12.25	
58	"	Cable	A. S.	12.20	
69	1.00	Torresky	Firmo abajo	....	
70	"	S. Morales	S. Morales	12.25	
cita	"	Tizol	Tizol	12.30	
		Hutuma	Hutuma	1.10	
73	2.00	Jefe P. I.	M. Asenjo	2.10	
53	"	J. A. Morera	Notty	....	
89	3.00	N. Prat	Narciso Prats	3.30	
90	"	Treas	Roys	3.10	
91	"	Depint	Jordan	3.10	
115	4 1/4	A. Dones	A. Dones	5.00	
116	"	McLeod	McL.	4.28	
117	"	Gob. de P. R.	Ant. Alvarez	....	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
118	"	Cerecedo	Cerecedo	....	
119	"	Cable	J. N. L.	4.28	
120	"	Margarida	D. Cabrera	4.50	
121	"	Colorado	R. Colorado	4.30	
138	5 1/2	Educacion	Pendiente	....	
139	"	Garic	Pendiente	....	
140	"	Cable	J. N. L.	5.40	
141	"	Cable			
169	8.00	Newtorico	A. Suarez	3.30	
170		F. Mercado	Frco. Mercado	9.10	
171		F. Mercado	Frco. Mercado	9.10	
172		M. L. Aroche	Maria Luisa Aroche.	....	
173		Emmanuelli	L. P. S.	8.20	
174		Jefe P. I.	Artone	9p.m.	

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Government of Porto Rico,

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Bureau of Insular Telegraph.

Aug. 27, '13. Alejandro.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
7	9.00	C. L. Janer	C. L. Janer	9.00	
8	"	A. Contreras	A. Contreras	....	
9	"	Auditor	R. Rossy	9.10A.M.	
10	"	Treas	L. A. Vaella	9.05	
11	"	Ins. Correos	E. W. H.	9.05	
12	"	Treas	L. A. Vaella	9.05	
30	10 1/4	Riera	Riera	11.10	
31	"	W. I. Oil Co.	W. I. Oil Co.	11.00A.M.	
32	"	Cable	A. S.	10.25	
33	"	L. M. Morales	F. Garcia	11.00	
34	"	Auditor	R. Rossy	10.20	
60	11 1/2	Cable	A. S.	11.35	
61	"	Boletin	Mascaro	11.35	
63	"	Heraldo	J. Allen	11.45	
64	"	Ochoa	Ochoa	11.50	
71	12.45	Americol	Quiñonez	1.30	
72	"	Jefe P. I.	Rios P. I.	1.20P.M.	
70	"	Luzunaris	Luzunaris	1.30	
80	2.00	Pte. R. N. Desamparados	F. Menendez	1.40	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
81	"	Barcelo	Barcelo		2.10
82	2.00	Lippitt	Zimmerman		1.50P.M.
83	"	C. Pascual	Pendiente		....
84	"	Cable	J. N. L.		2.12
85	"	M. Couvertie	M. Couvertie		2 1/2
86	"	Sanidad	Zimmerman		1.50P.M.
104	3 1/4	Gabesosa	F. A. Manzano		2.42
105	"	A. McCormick	A. McCormick		3.20
107	"	A. McCormick	A. McCormick		3.20
108	"	Cerecedo	Cerecedo Hermanos & Co. Sucs.		3.35
109	"	Cable	A. S.		3.25
110	"	Cable			
127	4 3/4	Rubert	Rubert		3.30
128	"	Cable	A. S.		4.50
129	"	S. Suau	A. Santurce		....
130	"	J. Ribot	J. Ribot & Co.		5.08
157	7 3/4	Jefe P. I.	Garcia		8.50P.M.

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Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Aug. 27.

A. Elvira.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
22	9 3/4	E. Saldaña	C. Rens		9.57
23	"	Sec. Governor	C. Rens		9.57
24	"	L. M. Morales	M. Morales		9.50
25	"	S. Ramirez	Ramirez		10.00
26	"	Dr. Rivero	Rivero		10.10
46	11.00	Gabesosa	F. A. Mansano		11.15
47		Jefe P. I.	—— ——		....
48		Jefe P. I.	M. Asenjo		11.30
49		McCormick	A. McCormick		11.20
50		Educacion	F. P. M.		11.10
51		J. Rivero	J. Rivero & Co.		11.25
52		Abarca	A. Abarca		12.20
53		Treas	N. U. S.		10.05
78	1 1/2	Educacion	F. P. M.		2.00
79	"	Cable	J. N. L.		1.39
96	2 3/4	L. M. Morales	L. M. Morales		2.50

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
97	"	Corte Federal	A. Aguayo	2.45	
98	"	Sanidad	A. Cuevas	3.00	
99		M. Morales	M. Morales	2.50	
100		Ramirez	Ramirez	3.00	
121	4 1/4	Balazquide	L. Mathey	4.25	
122	"	Treas	C. Rios Olmo	4.20	
123	"	Treas	C. Rios Olmo	4.20	
119	5.45	Cerecedo	Cerecedo	6.10	
146	7 1/4	Jefe P. I.	Garcia	8.00	
147		Viñas	R. Viñas	8.45	
148		Manolo	C. M. Cerecedo	8.00	
149		J. Llona	Hotel Inglaterra	7.55	
150		Jefe P. I.	Garcia	8.10P.M.	
151		M. De Villegas	Maria S. de Villegas.	7.40	
152		Jefe P. I.	Garcia	8.10P.M.	

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Department of the Interior,

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Aug. 15, '13. Alejandro.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
17	9.00	Governor	Ant. Alvarez	9.00	
18		Hatch	Purdy & Henderson.	9.00	
19		Hatch	" "	....	
20		Dr. G. Ortiz	Acosta	9.20	
21		Woodward	Woodward	9.30	
22		Jefe P. I.	Shanton	9.00	
23		Jefe P. I.	"	"	
24		Treas	N. U. S.	9.30	
45	10 1/4	J. de G. Benitez	Jose Guzman Benitez	11.00A.M.	
46		Treas	N. J. G.	10.30	
47		Prisiones	P. Badillo	10.40	
48		Ferrocarril	Julia	10.30	
49		A. Gonzalez	J. G. G.	10.25	
50		Governor	A. Alvarez	10.35	
51		Barasorda	Barasorda	10.45	
52		L. L. Velez	Acosta	10.55	
53		Suliveres	Acosta	10.55	
54		H. D. Navarro	R. Rodriguez	10.50	
55		Governor	A. Alvarez	10.25	
56		Jefe P. I.	Shanton	11.00	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
57	10 1/4	Cable	A. S.	10.40	
58	"	Hatch	G. Martinez	11.45	
59	"	Jimabe	J. Roldan	10.45	
60	"	Governor	A. Alvarez	10.55	
61	"	Sec. Corte Mpal	D. Sosa	11.00	
62	"	Saldaña	A. Alvarez	10.25	
63	"	Camara	Acosta	9.00	
90	11 1/2	Cerecedo	Cerecedo	11.20	
91	"	Treas	N. U. S.	11.20	
92	"	S. Ramirez.	Ramirez	11.30	
93	"	Villard	Julia	11.20	
100	12 3/4	Lopez	En lista Eugenio	....	
101	"	Grotromboy	Por buzon	....	
108	"	Lopez	J. I. Lopez	12 3/4	
119	2.00	Dr. G. Ortiz	Acosta	12.50	
120	"	Finwaylee	Finlay Waymouth & Lee (Inc.)	....	
135	3 1/4	R. Martinez	E. R. Suau	2.40	
136	"	Villar	Luiña	4.00	
137	"	Torocco	E. Ruiz	2.50	
111		M. F. Callejo	Manuela Fabricio	....	
185	"	Zarraga	Sarraga	6.50	
183	"	P. I.	Rios P. I.	6.25	
187	"	J. de Diego	Acosta	8.00	
184	"	Ejecutivo	Marrero	8.00	
182	"	Hathaway	En lista Jordan	....	
186	"	D. Rios	D. Rios	7.00	
190	7 3/4	Camara	Acosta	8.00	
189		Ejecutivo	S. Marrero	8.50	
198		De Diego	Acosta	8.00	
197		Yabucoa S.	Cerrado	....	
199		Ejecutivo	S. Marrero	8.20	
196		Jefe P. I.	Garcia	8.17	
190		Camara	Acosta	8.00	
200		Jefe P. I.	Garcia	8.17	

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Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Aug. 15, '13. Manolo.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
144	3 3/4	Public Works	Blanco	3.55	
145	"	Grosh	J. V. Grosh	3.45	
146	"	S. Ramirez	S. R.	3.55	
147	"	Sarraga	Andres Ocasio	3.40	
148	"	Latimer	Latimer	3.50	
170	5 1/4	Camara	Acosta	5.40	
171	"	Cable	A. S.	5.25	
172	"	Ejecutivo	G. W. Relen	5.20	
173	"	Shanton	Martinez	5.40	
174	"	Shanton	"	5.40	
175	"	Jefe P. I.	"	5.40	
187	6.45	Cable	A. S.	7.05	
186	"	Cerecedo	Cerecedo	7.02	
206	8.30	Jefe P. I.	Garcia	9.00	
208	"	Coronel P. I.	"	"	
209	"	A. Line	F. Lucca	9.00	
214	9.30	Jefe P. I.	Garcia	9.45	
215	10.00	F. Torres	F. Torres	10.10	
216	10.20	Sanchez Morales	Cerrado	....	
217	"	Dediego	Jose C. Calderon	10.25	

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Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Aug. 9, '13. Eugenio.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
2	8 3/4	Hartman	Hidalgo	9.00	
3	"	Cable Co.	A. S.	8.55	
4	"	Newtorico	N. Y. & P. R. S. S. Co.	9.50	
5	"	Bull Line	Bull Line	9.20	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
29	10.00	E. Rodriguez	E. Rodriguez	10.15	
30		J. Ledesma	A. Otero Lane	10.15	
31		Treas	N. U. S.	10.00	
32		Woodson	Woodson	10.30	
33		Mimar	Mier Martinez	10.32	
34		Prexco	Bail	10.45	
35		Dunlevy	L. A. Garcia	10.30	
32	11 3/4	A. Amador	L. Galiñales	11.25	
61	"	Mimar	Mimar	2.25	
62	"	Camara Ins. C.	Chas. William	1.20	
63	"	Lippitt	Hidalgo	....	
65	"	Hastrup	Furydur	11.35	
83	1 3/4	Jefe Dito. P.	Mout	3.00	
84	"	Capt. Esteve	Capt. Esteve	2.30	
85	"	W. F. Lippitt	Zimmerman	2.15	
86	"	Julbe	A. Gonzalez	2.00	
87	1 3/4	Palmer	Palmer	2.06	
88	"	Att'y Gral.	Kelley	2.00	
101	3.00	Cerecedo	Cerecedo	3.50	
118	4 1/2	L. Gelabert	L. Gelabert	4.45	
119	"	Sec. Governor	M. Saldaña P. I.	4.45P.M.	
120	"	Abarca	Baureau	4.40	
121	"	Blanco	Blanco	4.35	
122	"	J. S. Belaval	Santurce	....	
123	"	Newtorico	Cuwlf	5.00	
124	"	Izquierdo	Izquierdo	5.	
59	6.00	C. Real	C. Real	7.35	
150	7 1/2	Jefe P. I.	Rios I. P	7.00P.M.	

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Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Aug. 13, '13.

Alejandro.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
10	9.00	Ins. Line	En lista Miranda	....	
13	"	S. J. C. Co.	S. J. Coal Co.	9.10	
24		Off. Sanitary	En lista Jordan	....	
40	10 1/4	J. Ribot	Jimenez Ribot	11.20	
41	"	F. Mendia	F. Mendia	10.35	
42	"	Bull Line	H. E. Shoff	10.45	

No.	Time sent out.	Address.	Received by—	Time re- ceived.	Charges.
43	"	Honoré	Honore	10.50	
44	"	Lippitt	Zimmerman	10.45A.M.	
45	"	Prisiones	P. Badillo	10.40	
46	"	V. Echeandia	A. San Sebastian	....	
72	11 1/2	Hansen	Hansen	11.30	
73	"	Goleta Perla	L. Ortiz	11.45	
86	"	P. Insular	Jefe Negociado	11.30	
cita	"	Ramirez	J. Ma. Ramirez	11.40	
89	"	Barasorda	Barasorda	11.50	
90	"	Somoza	A. M. Somosa Co.	1.00	
85	"	H. Vender	L. Martinez	1 1/4	
84	"	C. Armstron	D. Sojé	1.28	
cita	2.00	E. Capestany	Pendiente	....	
106	"	Villar	Villar	2.10	
107	2.00	Jefe P. I.	T.	2.33	
108	"	Korber	Korber & Co.	2.35	
109	"	F. Rodriguez	Sra de Rodriguez	2.40	
110	"	Q. M.	Frank Espool	2.50	
111	"	R. L. Landron	Eduardo Setty	2.00	
112	"	Sanidad	Zimmerman	2.15P.M.	
130	3 1/4	Royal Bank	Bazan	4.00	
131	"	Cerecedo	Cerecedo Hermanos Co. Sucs.	3.45	
152	4 3/4	W. I. Oil Co.	West India Oil Co.	3 1/4	
153	"	Cable	A. S.	4.55	
154	"	Col. P. I.	Rios P. I.	3.20P.M.	
170	7 3/4	Jefe P. I.	Martinez	8p.m.	
171	"	Jefe P. I.	"	8p.m.	
172	"	Jefe P. I.	"	8p.m.	

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Julio 28. Alejandro.

No.	Time sent out.	Address.	Received by—	Time re- ceived.	Charges.
9	9.00	Cerecedo	Cerecedo	9.00	
10	"	Treas	N. U. S.	9.10	
11	"	Ins. Line	R. Valles	9.50	
12	"	J Iglesia	J. Iglesias	9.40	

o.	Time sent out.	Address.	Received by—	Time re- ceived.	Charges.
3	"	Villamil	Villamil	9.30	
4	"	P. M.	J. B. Circum.....	9.35	
5	"	J. Gonzalez.....	J. Gonzalez.....	9.12	
6	"	Abarca	Sucs. de Abarca.....	9.39	
7	"	Treas	N. U. S.....	9.10	
8	"	Finlay	S. Vizcarrondo.....	9.20	
9	"	Ochoa	Ochoa por Cernuda..	9.45	
20	"	C. O. Lord.....	C. O. Lord & Co.....	....	
1	"	Dr. Toro.....	Toro	9.50	
2	"	Amiama	Amiama	....	
0	10 1/4	J. Villafañe.....	Jose Villafañe.....	10 1/4	
1	"	Cable	J. N. L.....	10.39	
2	"	R. Oliver.....	Oliver	11A.M.	
3	"	Newtorico	Newtorico	11.50	
4	"	Ochoa	Ochoa	11	
5	"	B. Balle.....	B. Balle.....	11.50	
6	10 1/4	Governor	Ant. Alvarez.....	10.50	
7	"	Treas	N. U. S.....	10.30	
8	"	A. M. Liciaga.....	A. Mendez Liciaga..	10.20	
9	"	H. Marchena.....	H. Marchena.....	11.10	
0	"	H. Marchena.....	H. Marchena.....	11.10	
1	"	Dr. Toro.....	Dr. Toro.....	11.15	
0	2.00	Governor.....	F. Daily.....	2.00	
1		L. Rubert.....	J. Rubert.....	2.10	
2		Cable	F. Hernandez.....	2.27	
3		H. Targa.....	H. Targa.....	2.30	
4		Waldrop	Waldrop	2.40	
5		Jefe Informacion....	B. Airly.....	2.40P.M.	
4	3 1/4	Newtorico	N. Y. & P. R. S. S. Co.	2.50	
5	"	Treas	N. U. S.....	3.25	
6	"	J. Castilla.....	Julio Castilla.....	3.30	
7	4 3/4	Cable	A. S.	4.55	
8		S. Ramirez.....	M. Bedieni.....	5.00	
9		Hartzell	Alfredo Cordova....	5.00	
0		L. H. Vendig.....	Cerrado	....	
1		.....	——— ———	....	
2	6 1/4	L. Gelabert.....	Lorenzo Gelabert....	....	
3	"	Ochoa	Por el zubon.....	....	
6	7 3/4	Coronel P. I.....	Rios of.....	8.00P.M.	
7		Jefe P. I.....	Rios P. I.....	8.00P.M.	
8		Jefe P. I.....	Rios P. I.....	8.00P.M.	
9		Jefe P. I.....	Rios P. I.....	8.00P.M.	
0		Jefe P. I.....	Rios P. I.....	8.00P.M.	
1		Jefe P. I.....	Rios P. I.....	8.00P.M.	
3	8 1/4	R. Benit.....	R. Bennett.....	8.20P.M.	
9	"	Chandry	J. Collazo.....	8 1/2	

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Aug. 27, '13. Manolo.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
116	3 3/4	Los Muchachos	Los Muchachos	4P.M.	
117	"	Perkins	A. S.	3.50	
118	"	Newtorico	N. Y. & P. R. S. S. Co.	4.10	
133	5 1/4	Jta. Central	En lista Jordan	....	
83	8 1/2	C. Pascuale	Cerrado	....	
162	"	Jefe P. I.	Garcia	8.35P.M.	
161	"	J. Montijo	J. Montijo	8.50	
163	10.45	Marques	Cerrado	....	
164	11.30	Cerecedo	Cerecedo	11.35	

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Department of the Interior,

Bureau of Insular Telegraph.

Aug. 28, '13. Miranda.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
10	9 1/4	Depint	Jordan	9.25	
11	"	Cable	A. S.	9.30A.M.	
12	"	Freiria	Freiria	10.00	
13	"	Capt. Brown	J. E. Whitbeck	9.45	
14	"	Treas	N. U. S.	9.20	
15	"	M. D. Nadal	M. D. N.	10.00A.M.	
16	"	Colorado	Colorado	9.30	
17	"	Treas	N. U. S.	9.20	
18	"	L. M. Morales	F. Garcia	9.50	
19	"	C. O. Lord	C. O. Lord	9.45	
20	"	G. Stubbe	G. Stubbe	9.50	
21	"	P. R. A. Tobacco	B. Garcia	9 1/2	
22	"	P. J. Costas	R. Solten	10.00A.M.	
49	10 1/2	Fulladosa	Mrs. Fulladosa	10.55	
50	"	Depint	Jordan	10.44	
79	11 3/4	Couvertie	Couvertie	12.20	
80	"	A. Diez	M. Santisteban	1.50	
81	"	Garic	Garic	12.00	
83	"	S. Ramirez	S. Ramirez	1.00	
84		Woodson	Woodson	12.05	

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
85	12.00	Guiliani	Guiliani	12.10	
86	"	Perez Hnos.	Sucs. de Perez Hnos.	12.20	
87	"	Garic	Garic	12.10	
88	"	Ramirez	S. Ramirez	1.00	
89	"	Collector	Y De Arma	12.10	
cita	1.00	P. Schira	P. Schira	1.00	
94	"	S. Mithooley	Tord	1.20	
92	"	Mulet	A. Santurce	....	
95	"	Sanidad	Hoheb	1.20	
117	2 1/4	Dechoudens	Sojo	2.20	
128	3 1/2	Cable	J. N. L.	2.42	
129		Ramirez	S. Ramirez	3.45	
130		L. M. Morales	L. M. Morales	3.35	
131		Cable	J. N. L.	3.42	
132		J. Ribot	A. Ribot	3.55	
133		Ramirez	S. Ramirez	3.45	
134		Cerecedo	Cerecedo	3.55	
135		Pepita	Pendiente	....	
104		Lera	C. M. Dulo	4tarde	
180	8.00	Ramon	Ramon	8.20P.M.	
181		Sanidad	Pendiente	....	
182		Garcia	M. Nin de T.	8.10P.M.	
183		Jefe P. I.	En lista de Manolo.	....	
184	9.00	M. E. de Ferreras	Marietta Ferreras	9.30	
187	"	M. Cerecedo	Cerecedo Hermanos y Sucs.	9.25	

262

J.

Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Aug. 29, '13.

Manolo.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
118	3 1/4	Smithooley	Tord	4.05	
119		Treas	C. Rios Olmo	3.50	
120		Cable	A. S.	4	
121		Mr. Ward	R. A. Araujo	3.50	
122		Gabesossa	I. F. Finlay	3.55	
123		Woodson	Woodson	4.10P.M.	
124		Ramirez	S. Ramirez	4.50	
125		Ramirez	S. Ramirez	4.50	
137	5 1/4	P. M.	J. M. Jub	5.45	
164	6.45	Cerecedo	Cerecedo	6.55P.M.	
176	8 1/2	Jefe P. I.	Garcia	8.45P.M.	
178	10.50	Jefe P. I.	Garcia	10 1/4	
179	11.10	M. Mendia	Esquiaga	11.00	

263 J.

Government of Porto Rico,

Department of the Interior,

Bureau of Insular Telegraph.

Sept. 17, 1913. Eugenio.

No.	Time sent out.	Address.	Received by—	Time received.	Charges.
1	8.15	P. Quiñones	Petra Izquierdo	8.35	
2	"	A. Lucero	Ana Lucero	9.10	
3	"	Treas	N. U. S.	8	
20	"	J. M. Blanco	E. R. Carlo	9.35	
21	9.15	Ochoa	Ochoa	9 1/2	
25	"	Swift	C. N.	9.20	
26	"	Cable	A. S.	9.25	
27	"	Cable			
28	"	S. Morales	Quixano	9.30	
62	10.30	Jefe P. I.	M. Asenjo	10.45	
63	"	S. Ramirez	S. Ramirez	10.35	
64	"	Guillermety	Guillermety	10 1/2	
65	"	Barasorda	Hernandez	10.45	
66	"	Jefe P. I.	M. Asenjo	10.45	
67	"	Couvertie	Couvertie	10.45	
68	"	Jefe P. I.	M. Asenjo	10.45	
69	"	Cable	A. S.	10.40	
70	"	Fernandez Garcia	Hotel Inglaterra	....	
92	11.45	Ochoa	Ochoa	12.40	
93	"	Beecher	R. Jimenez	11.00	
94	"	Cable	A. S.	11.55	
99	1.00	Cerecedo	M. Cerecedo	1.05	
113	2 1/4	Sanidad	Hidalgo	3.50	
114	"	Sanidad			
115	"	L. Sanjurjo	L. Sanjurjo	2 1/2	
116	"	Treas	M. J. G.	2.25	
118	"	Travieso	J. Quiñonez	2.45	
117	"	Schira	P. Schira	2.35	
134	3.30	Suers.S.M.Woodson	Woodson	3.45	
135	"	Woodson	Woodson	3.45	
136	"	Educacion	L. A. Garcia	3.35	
168	5.00	Smithooley	Pendiente	....	
169	"	G. Barbosa	G. Barbosa	5.00	
170	"	Tesorero	P. Lakes	5.05	
171	"	Jefe P. I.	A. Martinez	5.30	
172	"	Cable	A. S.	5.10	
173	"	Tesorero	A. Lakes	5.05	
191	6 1/4	Cable	A. S.	6.50	

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264 (EXHIBIT UUU FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.) 17B.

Manifesto de la carga que con destino al puerto de Mayaguez, P. R., conduce el balandro am. Vencedor, 7 toneladas brutas y — netas, su capitán Carlos Valle y 5 Tripulantes.

Marcas	Números	No. de bultos.	Contenido y clase de mercancías.	Peso bruto.	Peso neto.	Remitentes.	Consignatarios.
			En lastre.				

Mayaguez, P. R., Ago 8, 1913. 553 Cr.

Arrived 8/8/13—3 p. m. CARLOS VALLE, *Capitán.*
Collected Nor fees, 2.17; Ton tax, 1.14. 8/8/13.
(Below appears rubber stamp impression reading as follows:)

MAYAGUEZ, P. R.

I certify, that I have examined the within manifest produced to me this day as a copy of the original manifest of the cargo on board the Am. Sloop Vencedor whereof Valle is master from Sto. Domingo, D. R. with the original and find the same to agree.

In witness whereof I have hereunto signed my name this 8 day of Aug., 1913.

July 30. Ex. UUU for Gov't. SOLER, *Boarding Officer.*

[Endorsed:] Manif. No. 45. Sloop "Vencedor" from Sto. Domingo, August 8/13.

265 (EXHIBIT UUU FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Outward Foreign Manifest.

JULY 29, 1913.

Report and Manifest of the Cargo Laden at the Port of San Juan, P. R., on Board the American Sloop Vencedor, 7./100 Tons, Whereof Carlos Valle is Master, Bound for Sto. Domingo. San Juan, P. R., July 30th, 1913.

Marks.	Numbers.	Packages and contents.	Quantities, pounds, gallons, etc.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in trnsitu from one foreign country to another.	To be landed at—
		Ballast.							

S.

Master's Oath on Clearing Outward.

District of Porto Rico and Port of San Juan, P. R.

I, Carlos Valle, Master of the Am. Sloop Vencedor bound from the Port of San Juan, P. R., to Sto. Domingo do solemnly sincerely and truly swear that the Manifest of the cargo on board the said Sloop Vencedor now delivered by me to the Collector of this District, and subscribed with my name, contains according to the best of my knowledge and belief, a full, just and true account of all the goods, wares and merchandise now actually laden on board the said vessel and of the value thereof and the foreign places or countries in which the same are truly intended to be landed, and if any other goods, wares, or merchandise shall be laden or put on board the said Sloop Vencedor previous to her departure from this Port, I will immediately report the same to the said Collector. I do also swear that I verily believe that the duties on all foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be re-landed within the United States and that if by distress or other unavoidable accident, it shall become necessary to rel-ad the same, I will forthwith make a just and true report thereof to the Collector of Customs of the District wherein such distress or accident may happen. And said cargo is truly intended to landed in the Port of Sto. Domingo. So help me Good.

CARLOS VALLE, *Master.*

Sworn to before me this 30th day of July, 1913.

N. L. ORME,
Deputy Collector.

(Here appears rubber stamp impression reading as follows:) Jul- 29, 1913.

[Endorsed:] S. No. —. Outward Foreign Manifest. Flag —. Rig —. Name —— ——. Net Tonnage — Tons. Cargo, Ballast. Passengers, No. —. District of Porto Rico, Port of —— ——. (Here appears impression of rubber stamp, reading as follows:) Jul- 29, 1913.

Foreign.

Shippers' Manifest of Part of Cargo Laden on Board the Am. Sloop Vencedor, C. Valle, Master, at the Port of San Juan, Porto Rico, and Bound for the Port of La Romana, D. R., to be Unladen at La Romana, D. R.

Marks.	Numbers.	Packages and contents, with articles fully described.	Quantities, lbs.	No. 1. Value of domestic merchandise, U. S.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from — foreign country to another.	To be landed at—
Add.	1/5	5 (five) cases hardware.	663	$110.)					
		5 beds.....	...	15.00)					
		20 mosquito nets.....	...	7.00)					La Romana, D. R.
		20 caps.....	...	2.00)					
		6 mattresses.....	...	5.00)					

I, J. Benítez, Agent for A. Cabral Baez hereby certify that the above is a full and true statement of the kinds, and values, and destination of all the articles delivered by me for transportation as aforesaid and that the goods herein described is a product of the soil of the United States of America.

San Juan, Porto Rico, 17 day of Sep., 1913. J. BENITEZ, *Owner or Agent-Attorney.*

Subscribed and sworn to before me this 17th day of Sept., 1913.

J. A. GONZALEZ, *Deputy Collector.*

(Here appears impression of a seal reading as follows:) District of Porto Rico, Collector of Customs, Porto of San Juan.

[Endorsed:] Instructions. (Here follow instructions in English and Spanish. immaterial to the issue of the cause.)

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267 (EXHIBIT VVV FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Outward Foreign Manifest.

Report and Manifest of the Cargo Laden at the Port of San Juan, P. R., on Board the Am. Sloop Vencedor, 7.00 Tons, Whereof Carlos Valle is Master, Bound for La Romana, D. R. San Juan, P. R., Sep. 17, 1913.

Marks.	Numbers.	Packages and contents.	Quantities, pounds.	No. 1. Value of domestic merchandise, U. S.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from one foreign country to another.	To be landed at—
Add.	1/5	5 (five) cases hardware.	663	$110.)					
		5 beds.....	...	15.00)					
		20 mosquito nets.....	...	7.00)					
		20 caps.....	...	2.00)					
		6 mattresses.....	...	5.00)					La Romana, D. R.

S.

(EXHIBIT VVV FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Master's Oath on Clearing Outward.

District of Porto Rico and Sub-port of San Juan.

I, Carlos Valle, Master of the Am. Sloop Vencedor bound from the Sub-Port of San Juan, P. R., to La Romana, D. R. do solemnly sincerely and truly swear that the Manifest of the cargo on board the said Sloop now delivered by me to the Collector of this District, and subscribed with my name, contains according to the best of my knowledge and belief, a full, just and true account of all the goods, wares and merchandise now actually laden on board the said vessel and of the value thereof and the foreign places or countries in which the same are truly intended to be landed, and if any other goods, wares or merchandise shall be laden or put on board the said Sloop previous to her departure from this Port, I will immediately report the same to the said Collector. I do also swear that I verily believe that the duties on all foreign merchandise therein specified have been paid or secured according to law, and that no part thereof is intended to be re-landed within the United States and that if by distress or other unavoidable accident, it shall become necessary to re-lad- the same, I will forthwith make a just and true report thereof to the Collector of Customs of the District wherein such distress or accident may happen. And said cargo is truly intended to — landed in the Port of La Romana, D. R. So help me Good.

CARLOS VALLE, *Master.*

Sworn to before me this 17 day of Sep., 1913.

J. A. GONZÁLEZ,
Deputy Collector.

[Endorsed:] S. No. —. Outward Foreign Manifest. Flag American. Rig Sloop. Name Vencedor. Net Tonnage 7 Tons. Carlos Valle, Master. For La Romana, D. R. Sep. 17, 191-. Cargo —. Passengers, No. one. District of Porto Rico, Port of San Juan, P. R.

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268 (EXHIBIT VVV FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Manifesto de la carga que con destino al puerto de Mayaguez, P. R., conduce el Balandro am. "Vencedor" 7 toneladas brutas y — netas, su capitán Carlos Valle y 3 Tripulantes.

Marcas	Números	No. de bultos.	Contenido y clase de mercancías.	Peso bruto.	Peso neto.	Remitentes.	Consignatarios.
			Ballast.				

Mayaguez, P. R., Oct. 5/913.

CARLOS VALLE, *Capitán.*

(Here appears rubber stamp impression reading as follows:) No. 52 B. Inward manifest of the Am. Sloop Vencedor from La Romana, S. D. Entered 10/5, 1913. 12 m.

Collected Board Off.... 1. 10/6/13 Ent. fees.... 2.17. Ton tax.... .14.

(Here appears rubber stamp impression reading as follows:)

O.
MAYAGUEZ, P. R.

I certify that I have examined the within manifest produced to me this day as a copy of the original manifest of the cargo on board the Am. Sloop "Vencedor," whereof Valle is Master, from La Romana, D. R. with the original and find the same to agree.

In witness whereof I have hereunto signed my name this 5 day of October, 1913.

SOLER, *Boarding Officer.*

[Endorsed:] Manif. 100. Sloop "Vencedor" from La Romana Dom. Rep. at October 5/13.

Foreign.

Shippers' Manifest of Part of Cargo Laden on Board the American Sloop Vencedor, Carlos Valle, Master, at the Port of Ponce, Porto Rico, and Bound for the Port of Santo Domingo, to be Unladen at Santo Domingo.

Marks.	Numbers.	Packages and contents, with articles fully described.	Quantities, lbs., gallons, etc.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from one foreign country to another.	To be landed at—
		Onion ..... Shipped in bond.	25031#			299			Sto. Domingo

I, Pedro J. Bonnin, member of the firm Bonnin & Co. hereby certify that the above is a full and true statement of the kinds, and values, and destination, of all the articles delivered by me for transportation as aforesaid.
Ponce, Porto Rico, day of June 11/1913. PEDRO J. BONNIN, *Owner or Agent-Attorney.*

Subscribed and sworn to before me this day of June 11, 1913.
(Here appears name of deputy collector which is undecipherable) *Deputy Collector.*

(Here appears an impression of a seal reading as follows:) District of Porto Rico, Collector of Customs, Deputy Sub-Port of Ponce.

[Endorsed:] Instructions. (Here follow instructions in English and Spanish, immaterial to the issue of the cause.)

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270 (EXHIBIT WWW FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Manifest of Vencedor for June is missing from files. You will have to prove entry or clearance by Book record.

271 (EXHIBIT WWW FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Outward Foreign Manifest.

____ ____, *Agents.*

Report and Manifest of Cargo Laden at the Port of Ponce, Porto Rico, on Board the Am. Sloop Vencedor, Whereof Carlos Valle is Master (or Conductor), Bound for Santo Domingo, 7 Tonnage, 5 Crew. Port of Ponce, Porto Rico, Junio 11, 1913.

Marks.	Numbers.	Packages and contents, with articles fully described.	Quantities, lbs., gallons, etc.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from one foreign country to another.	To be landed at—
		Onion sacks.....	25031			299			Santo Domingo

[Endorsed:] Sworn before me this 11 day Junio, 1913. (Here appears name which is indistinct and illegible) Deputy Collector. (Here appears impression of seal of Collector of Customs, reading as follows and with imprint of eagle in the center:) District of Porto Rico, Collector of Customs, Deputy Sub-Port of Ponce.

272 S.

No. 77 A.

Master's or Conductor's Oath on Clearing Outward.

DISTRICT AND PORT OF PONCE, PORTO RICO.

I, Carlos Valle, Master of the Am. Sloop Vencedor bound from the Port of Ponce, Porto Rico, to Santo Domingo, do solemnly, sincerely and truly swear that the manifest of the Cargo on board the said vessel now delivered by me to the Collector of this District, and subscribed with my name contains, according to the best of my knowledge and belief, a full, just and true account of all the Goods, Wares and Merchandise now actually laden on board the said vessel, and of the value thereof, and if any other Goods, Wares and Merchandise shall be laden or put on board the said vessel previous to the sailing from this Port, I will immediately report the same to the said Collector. I do also swear that I verily believe the duties on all Foreign Merchandise therein specified, have been paid or secured according to law, and that no part thereof is intended to be relanded within the United States; and that if by distress or other unavoidable accident, it shall become necessary to reland the same, I will forewith make a just and true report thereof to the Collector of Customs of the District wherein such distress or accident may happen.

I, do further swear, that I have not received on board said vessel, and I have not under my care or within my control, and that I will not receive and convey any letter or letter packets addressed to any foreign country, which have not been delivered to me from the Post Office; except such as relate to the cargo, and are addressed to the owner or consignee of said vessel, or such as are enclosed in a United States stamped envelope of a denomination sufficient in amount to cover the United States postage legally chargeable thereon, if the same had been posted and transmitted by regular mail.

And said cargo is truly intended to be landed in the Port of Santo Domingo. So help me God.

CARLOS VALLE, *Master.*

S. (None.)

Deputy Naval Officer.

273 EXHIBIT XXX FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Know all men by these presents, that we (Signed) Manuel Cerecedo, (Signed) Cerecedo Hermanes & Co. Succs. and (Signed) Carmen Ramos (Signed) Margarida & Co. merchants, carrying on business in the City of San Juan, Porto Rico, as copartners under the firm name of (Signed) Cerecedo Hermanos & Co. Succs. do hereby make, constitute and

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appoint (Signed) Enrique Cerecedo, of San Juan, Porto Rico, our agent and attorney in fact for and in the name of said firm to make declarations and entries of goods at the U. S. Custom House upon importation into Porto Rico, to make withdrawals of the same from said Custom House upon payment of duties or otherwise, to sign bonds, to make all proper declarations and execute and obtain all necessary papers from said Custom House upon the shipment of merchandise for us out of Porto Rico, and in general to act in our place and stead and in our name to manage and transact all proper and necessary Custom House business on our behalf in Porto Rico, as fully and effectually as we, or any of us, might or could do if personally present; hereby ratifying and confirming all that our said attorney may or shall lawfully do touching the power hereby conferred by virtue of these presents.

In witness whereof, we, the undersigned, have hereunto set our hands and seals this 11 day of October, 1904.

(Signed) MANUEL CERECEDO. [SEAL.]
(Signed) CARMEN RAMOS. [SEAL.]
CERECEDO HERMANOS Y CA. SUCS., [SEAL.]
San Juan, P. R.

In presence of:
(Signed) J. B. CARRION.
(Signed) R. CARRERAS.

ISLAND OF PORTO RICO,
Municipality of ——:

I do hereby certify that on this 11 day of October, 190-, before me the undesigned authority personally appeared the above-named (Signed) Manuel Cerecedo and (Signed) Carmen Ramos and
274 acknowledged that they signed the foregoing power of attorney for the uses and purposes therein expressed.

[NOTARY SEAL.]

[SEAL.] (Signed) DAMIAN MONSERRAT.

275 EXHIBIT YYY FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Cat. No. 1371, Art. 103, Customs Regulations of 1899, Commerce and Labor Circular No. 1.

Department of Commerce and Labor, Bureau of Navigation.

Master's Oath on Entering American Vessel.

I, Carlos Valle, do solemnly, sincerely, and truly swear that the Report and Manifest subscribed in my name, and now delivered by me to the Collector of the Port of Ponce, P. R., contains, to the best

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of my knowledge and belief, a just and true account of all the goods, wares, and merchandise, including packages of every kind and nature whatsoever, which were on board the Am. Sloop Vencedor at the time of sailing from the port of Sto. Domingo City, or which have been laden or taken on board at any time since, and that the packages of the said goods are as particularly described *as* in the bills of lading, signed for the same by me or with my knowledge; that I am at present, and have been during the voyage, master of the said vessel, that no package whatsoever, or any goods, wares, or merchandise have been unladen, landed, taken out, or in any manner whatever removed from on board the said Sloop Vencedor since her departure from the said port of Sto. Domingo City, except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers now delivered by me to the Collector are all that I now have or have had that any way relate to the cargo of the said vessel, or to any transaction with United States consular officers respecting the crew *of* the cargo of said vessel or the vessel itself, and that the statement of services performed by consular officers contains only such services as were necessarily and actually performed at my request; and I further swear that in all cases where consular services were required and performed statements of such services were given me by such consular officers, except at the ports of ——. And I do further swear that the several articles specified in the said Manifest as sea stores for the cabin and vessel are truly such, and were bona fide put on board the said Sloop Vencedor for the use of the officers, crew, and passengers thereof, and have none of them brought, and are not intended by way of merchandise or for sale or for any other purpose than above mentioned, and are intended to remain on board for the consumption of the said officers and crew. And I further swear that if I shall hereafter discover or know of any other or greater quantity of goods, wares, and merchandise, of any nature or kind whatsoever, than are contained in the Report and Manifest subscribed and now delivered by me, I will immediately, and without delay, make due report thereof to the Collector of the port of Ponce, P'to. Rico. And I do likewise swear that all matters whatsoever in the said Report and Manifest expressed are, to the best of my knowledge and belief, just and true.

[I further swear that no Officer of the Customs has applied for an inspection of the Manifest of the Cargo on board the said vessel, and that no certificate or indorsement has been delivered to me on any manifest of such cargo.]

I do further, as required by law, solemnly swear that I have, to the best of my knowledge and belief, delivered, or caused to be delivered, into the post office at or nearest this port, every letter and every bag, parcel or package of letters that were on board the said vessel during her last voyage, and that I have so delivered, or caused to be delivered, all such letters, bags, parcels, and packages as were in my possession or under my power or control.

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* This clause to be omitted if the vessel has been boarded by a customs officer.
[* Words enclosed in brackets erased in copy.]

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And further, that all mails placed on board the saidl vessel at or before her last clearance from a port in the United States to a foreign port have been in good faith delivered at such foreigm port in accordance with tne requirements of law.

276 I further swear that the Register of the said Sloop Vencedor, herewith presented, contains the names of all the persons who are now owners thereof except† — and that no foreign subject or citizen hath, to the best of my knowledge and belieff, any share, by the way of trust, confidence, or otherwise, in the said vessel.

‡ —.

I further swear that no part of the crew of the said vessel has been impressed or detained in the course of the last voyage by any foreign power.

I further swear that said vessel sailed from the said Port of Sto. Domingo City on the 16 day of June, 190-, and arrived at the Port of Ponce, District of Pto. Rico, on the 21 day of June, 1913.

‖And I further swear that before entering, or filing manifest of said vessel, at the Custom-House, I mailed to the Auditor for the Treasury Department, Washington, D. C., a true copy of this manifest.

(Signed) CARLOS VALLE, *Master.*

Sworn before me this 21 day of June, 1913.

(Signed) ALBISU, SR.,

[SEAL.] *Collector (or Deputy Collector.)*

Port of Ponce, District of Pto. Rico.

11-1453.

277 *Report and Manifest of cargo laden at Sto. Domingo City, on Board the Amo. Slo-p Vencedor (Signed) Carlos Valle, Master. 7 Net Tons Manned with 5 Crew and Bound to Ponce on the Junio 16 a,* 1913.

Marks.	Numbers.	Description of merchandise.	Shippers.	Consignees.
		Ballast.		

Ponce P. R., 21 June, 1913.

(Signed) CARLOS VALLE, *Master.*

I certify that I have examined the within manifest produced to me this day as a copy of the original manifest of the cargo on board the Vencedor whereof (Signed) Valle is master from Sto. Domingo — with the original and find the same to agree.

In witness whereof I have hereunto signed my name, this 21 day of June 1913.

[SEAL.] (Signed) GEO. OPPENHEIMER,

Boarding Officer.

† Here state changes, if any, that have occurred in the ownership.

‡ Or, if the vessel is owned by an incorporatel company (R. S., 4313), say: "Exhibits the true and actual ownership of said vessel pursuant to the acts of March 3, 1825, and June 11, 1858."

‖ Only required at non-naval office ports.

RTICAL IN BOOK

Foreign.

Shippers' Manifest of Part of Cargo Laden on Board the American Sloop Vencedor, Carlos Valle, Master, at the Port of Ponce, Porto Rico, and Bound for the Port of Santo Domingo, to be Unladen at Santo Domingo.

Marks.	Nos.	Packages and contents, with articles fully described.	Quantities, lbs., gallons, etc.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from — foreign country to another.	To be landed at—
		Onion ..... Shipped in bond.	25031#						Sto. Domingo

Compañía Tipográfica de Ponce:

I, Pedro J. Bonnin, member of the firm Bonnin & Co. hereby certify the above is a full and true statement of the kinds, and values, and destination, of all the articles delivered by me for transportation as aforesaid.

Ponce, Porto Rico, day of June 11/1913. PEDRO J. BONNIN, *Owner or Agent-Attorney.*

Subscribed and sworn to before me this day of June 11/1913.

(Here appears an undecipherable name) *Deputy Collector.*

(Here appears impression of seal reading as follows and with impression of an eagle in the center:) District of Porto Rico, Collector of Customs, Deputy Sub-Port of Ponce.

[Endorsed:] Instructions. (Here follow instructions in English and Spanish, immaterial to the issue of the cause.)

THIS PAGE IS BOUND

279 (EXHIBIT ZZZ FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

No. 77.

Master's or Conductor's Oath on Clearing Outward.

District and Port of Ponce, Porto Rico.

I, Carlos Valle, Master of the American Sloop "Vencedor" bound from the Port of Ponce, Porto Rico, to Santo Domingo, do solemnly, sincerely and truly swear that the manifest of the Cargo on board the said vessel now delivered by me to the Collector of this District, and subscribed with my name contains, according to the best of my knowledge and belief, a full, just and true account of all the Goods, Wares and Merchandise now actually laden on board the said vessel, and of the value thereof, and if any other Goods, Wares and Merchandise shall be laden or put on board the said vessel previous to the sailing from this Port, I will immediately report the same to the said Collector. I do also swear that I verily believe the duties on all Foreign Merchandise therein specified, have been paid or secured according to law, and that no part thereof is intended to be relanded within the United States; and that if by distress or other unavoidable accident, it shall become necessary to reland the same, I will fore-with make a just and true report thereof to the Collector of Customs of the District wherein such distress or accident may happen.

I, do furthermore swear, that I have not received on board said vessel, and I have not under my care or within my control, and that I will not receive and convey any letter or letter packets addressed to any foreign country, which have not been delivered to me from the Post Office; except such as relate to the cargo, and are addressed to the owner or consignee of said vessel, or such as are enclosed in a United States stamped envelope of a denomination sufficient in amount to cover the United States postage legally chargeable thereon, if the same had been posted and transmitted by regular mail.

And said cargo is truly intended to be landed in the Port of Santo Domingo. So help me God.

CARLOS VALLE, *Master.*

280 Sworn before me this 11th day of June, 1913.

(Here appears name which is indistinct and illegible.)

——— ———,
Deputy Collector.

(None),
Deputy Naval Officer.

(Here appears impression of seal of Collector of Customs, reading as follows and with imprint of eagle in the center:)

District of Porto Rico, Collector of Customs, Deputy Sub-Port of Ponce.

ERTICAL IN BOOK

(EXHIBIT ZZZ FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Outward Foreign Manifest.

Report and Manifest of Cargo Laden at the Port of Ponce, Porto Rico, on Board the Am. Sloop Vencedor, Whereof Carlos Valle is Master (or Conductor), Bound for Santo Domingo, 7 Tonnage, 5 Crew. Port of Ponce, Porto Rico, Junio 11, 1913.

Marks. Numbers.	Packages and contents, with articles fully described.	Quantities, lbs., gallons, etc.	No. 1. Value of domestic merchandise.	No. 2. Value of foreign merchandise free.	No. 3. Value of foreign merchandise from bonded warehouse.	No. 4. Value of foreign merchandise not from bonded warehouse which has paid duties.	No. 5. Value of foreign merchandise on the passage in transitu from one foreign country to another.	To be landed at—
	Onion in bales....	25031			299			Santo Domingo

Ex. ZZZ for Gov't.
Filed Clerk's Office United States District Court. March 27, 1914. Antonio Aguayo, Clerk of the Court. By L. A. Gross, D. C.

(Here follows crew list marked page 281.)

THIS PAGE IS BOUND VERTICAL IN BOOK

CHART

TOO

LARGE

FOR

FILMING

EXHIBIT BBBB FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Cerecedo.

EXHIBIT CCCC FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Cerecedo.

283 (EXHIBIT DDDD FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.) 17 B.

Manifiesto de la carga que con destino al puerto de Mayaguez, P. R., conduce el Balandro am. "Vencedor" 7 toneladas brutas y — netas, su capitán Carlos Valle, y 5 Tripulantes.

Marcas.	Números.	No. de bultos.	Contenido y clase de mercancías.	Peso bruto.	Peso neto.	Remitentes.	Consignatarios.
			En lastre.				

Mayaguez, P. R., Ago 8, 1913.

CARLOS VALLE, *Capitán.*

Arrived 8/8/13—3 p. m.

(Here appears rubber stamp impression reading as follows:) No. 17 B. Inward manifest of the Am. Sloop Vencedor from Santo Domingo. Entered 8/8/1913—3 p. m.

(Below appears rubber stamp impression reading as follows:)

MAYAGUEZ, P. R.

I certify, that the within manifest was this day produced to me as an original manifest of the cargo on board the Am. Sloop Vencedor whereof Valle is master from Sto. Domingo, P. R.

In witness whereof I have hereunto signed my name this 8 day of August, 1913.

SOLER, *Boarding Officer.*

[Endorsed:] Inw. Vencedor. 17 B. 8/8/13. (Here appears impression of a rubber stamp, reading as follows:) No. 17 B. Inward manifest of the Am. Sloop Vencedor from Sto. Domingo. Entered 8/8/1913.

THIS PAGE IS BOUND VERTICAL IN BOOK

284 (EXHIBIT DDDD FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.

(Here appears coat of arms of Dominican Republic.)

Comandancia del Puerto de Santo Domingo.

Núm. 854.

Con las formalidades de ley se despacha de este Puerto con destino al de Mayaguez el balandro "Vencedor" del porte de 7 toneladas; su capitán C. Valle.

Santo Domingo, 4 de Agosto de 1913.

El Jefe del Puerto, D. O.: A. ISRAEL PIÑA.

(Here appears rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)

Comandancia del Puerto Santo Domingo.

285 (EXHIBIT DDDD FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

(Here appears coat of arms of Dominican Republic.)

El Medico de Sanidad del Puerto de Santo Domingo.

Certifica: que en esta fecha se despacha de este Puerto con destino al de Mayaguez el buque de vela nombrado Vencedor del porte de siete toneladas, al mando del Capitán Carlos Valle con 4 hombres de tripulación y — pasajeros.

Asimismo certifica: que tanto en esta Ciudad, como en sus contornos, se hallan enteramente libres de enfermedades contagiosas y epidémicas, y que en esta virtud, se le expide la presente carta limia de sanidad.

Santo Domingo, hoy día 4 del mes de Agosto del año 1913.

El Médico de Sanidad: D. E. FIALLO.

(Here appears rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)

Comandancia del Puerto Santo Domingo.

286 (EXHIBIT DDDD FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Bienio 1913-1914.

Sello 3º $2.00 (Dos Pesos).

(Here appears rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)
Contaduria General de Hacienda.

(Here appears rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)
Camara de Cuentas de la Republica.

Aduana de Santo Domingo.

Con las formalidades de la Ley se despacha de estate puerto con destino al de Mayaguez Pto. Rico, el balandro americano Vencedor del porte de 7 toneladas de registro, su capitán Carlos Valle con la carga siguiente.

A Saber: LASTRE.

Santo Domingo 4 de Agosto de 1913.

El Interventor: ALBERTO E. FIALLO.

[Endorsed:] No. 553, Cr. United States vs. Manuel Cerecedo et al. Exhibit DDDD for Gov't. Filed Clerk's Office, United States District Court, March 27, 1914. Antonio Aguayo, Clerk of the Ct., by E. L. Barthelemy, D. C.

(Here follows shipping articles marked page 287.)

288 EXHIBIT EEEE FOR GOV'T, #553, CR.

Filed March 27th, 1914.

Cat. No. 1431,
Arts. 100 and 1021, Customs Regulations of 1899,
Commerce and Labor Circular No. 1.

Department of Commerce and Labor,
Bureau of Navigation.

Inspector's Certificate of Crew List.

☞Upon the arrival of an American vessel from a foreign voyage, the inspector, acting as boarding officer, is required to muster the crew to ascertain if it agrees with the Crew List, and report to the Collector the result of such examination.

UNITED STATES CUSTOMS SERVICE,
PORT OF MAYAGUEZ, Oct. 5, 1913.

I certify that I have examined the crew on board the Sloop "Vencedor" from La Romana, D. R., whereof C. Valle is Master, and find them to correspond with the annexed list, except as follows:

Additional men. None.

Absent. None.

To the Collector of the Port.

P.
V. SALER, *Inspector.*
Boarding Houses.

THIS PAGE IS BOUND VERTICAL IN BOOK

(EXHIBIT EEEE FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Manifiesto de la carga que con destino al puerto de Mayaguez, P. R., conduce el Balandro am. "Vencedor" 7 toneladas brutas y — netas, su capitán Carlos Valle, y 3 Tripulantes.

Marcas.	Numeros.	No. de bultos.	Contenido y clase de mercancías.	Peso bruto.	Peso neto.	Remitentes.	Consignatarios.
			Ballast.				

C. M. Mayaguez, P. R., Oct. 5/913.

CARLOS VALLE, *Capitán.*

(Here appears rubber stamp impression reading as follows:) No. 52. Inward Manifest of the Am. Sloop Vencedor from La Romana, S. D. Entered 10/5, 1913. 12 m.
(Below appears rubber stamp impression reading as follows:)

O.

— MAYAGUEZ, P. R.

I certify, that the within manifest was this day produced to me as an original manifest of the cargo on board the Am. Sloop Vencedor whereof Valle is Master from La Romana, D. R.
In witness whereof I have hereunto signed my name this 5 day of Oct., 1913.

SOLER, *Boarding Officer.*

[Endorsed:] (Here appears rubber stamp impression reading as follows:) No. 52. Inward manifest of the Am. Sloop Vencedor from La Romana, S. D. Entered 10/5/1913.

290 (EXHIBIT EEEE FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

(Here appears coat of arms of Dominican Republic.)

Comandancia del Puerto de La Romana, R. D.

Núm. 442.

Con las formalidades de Ley, se despacha de este puerto, con destino al de Mayaguez (Pto. Rico) el Bdro. americano "Vencedor" del porte de siete toneladas; su Capitán Carlos Valle.

La Romana, 2 de Octubre de 1913.

El Jefe del Puerto: D. O.

J. W. RAMIREZ.

(Here appears a rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)

Comandancia de Puerto de la Romana.

Tipografía Atenas, La Romana, Núm. 528.

291 (EXHIBIT EEEE FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Bienio 1913-1914.

Sello 2° $4.00 (cuatro pesos).

(Here appears a rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)

Contaduria General de Hacienda.

(Here appears a rubber stamp impression with coat of arms of Dominican Republic in the center and reading as follows:)

Camara de Cuentas de la Republica.

Aduana Marítima de la Aduana.

No. 15.

Previas las formalidades de la Ley de Aduanas y Puertos se despacha con destino al puerto de Mayaguez el balandro americano "Vencedor" del porte de 7 toneladas, su cap/ Carlos Valle, con la carga siguiente:—Lastre.—

La Romana, 2 de Octubre de 1913.

MIGUEL A. VELOZ,
Administrador de Rentas Unidas de órden.

(Here appears impression of rubber stamp, reading as follows and with the coat of arms of the Dominican Republic in the center:)

Admon. de Rentas Unidas la Romana.

TOO

LARGE

FOR

FILMING

292 (EXHIBIT EEEE FOR THE GOV'T. Filed March 27, 1914. No. 553, Cr.)

Patente de Sanidad.

Puerto de la Romana, República Dominicana.

Certifico: que en esta fecha se despacha el Bdro. "Vencedor" de nacionalidad Americana con cuatro hombres de tripulación (inclusive el Capitán) y con capacidad para siete toneladas.

Asimismo certifico, que tanto esta Ciudad, como sus contornos, se hallan enteramente libres de enfermedades contajiosas ó epidémicas, y que en esa virtud, le expido la presente Carta Limpia de Sanidad.

La Romana, á 2 de Octubre de 1913.

DR. RAMIREZ,
El Médico de Sanidad.

(Here appears impression of rubber stamp, reading as follows and with the coat of arms of the Dominican Republic:)
Sanidad del Puerto de la Romana, R. D.
Tipografía "Atenas" No. 320.

(Here follows shipping articles marked page 293.)

294 EXHIBIT FFFF FOR GOV'T, # 553, CR.

Filed March 27th, 1914.

(Copy.)

Cerecedo Hermanos & Co.

San Juan, P. R., June 21, 1913.

Sr. Andres Grillasca, Ponce.

Estimado amigo: I became aware by your telegrafic conference that your relative is better, of which I am glad, and therefore has already arrived there happily.

Manolo has just asked me to tell you to advise Valentine in C. R. to have the merchandise ready (the balance remaining) and bring it over to San German, that you should come with it taking a railroad ticket to Arecibo only; upon your arrival there get another ticket for San Patricio where you will get off with the effects and when you advise your arrival Manolo will notify you what to do.

He wanted me to communicate all this to you over the phone but I understand that it is not necessary to do so.

There has been no mishap at all, everything is going on as calm as usual, sales and business very dull, which is to be regretted.

Your friend,

ENRIQUE.

295 EXHIBIT GGGG FOR GOV'T, # 553, CR.

Filed March 27th, 1914.

July	13.	To 200 cross-ties from this shipment..	430.00	
August	3.	Shipping expenses on this remittance.	5.00	
August	3.	600 cross-ties from this shipment....	1,290.00	
"		Shipping expenses on this remittance.	6.00	
Sept.	7.	500 cross ties from this shipment....	1,075.00	
"		Shipping expenses on this remittance.	10.00	
October	12.	500 cross ties from this shipment....	1,075.00	
		Shipping expenses on this remittance.	10.00	
				4,986

Credit.

Cash delivered as per memorandum of this day....				396.00
Cash delivered do	do	do	....	187.00
Cash delivered do	do	do	....	125.00
Cash delivered do	do	do	....	800.00
Cash delivered do	do	do	....	10.00
Cash delivered do	do	do	....	15.00
Cash delivered do	do	do	....	135.00
				1,668
Balance in my favor.....				3,318

Total rebate from the month of October	1,075.00
In cash and in values	1,036.00
Rebate	2,111.00 207.00
	2,318.00

November 24/ B.
Balance, $1,000.

296 EXHIBITS HHHHH FOR GOV'T. # 553, CR.

Filed March 27th, 1914.

First Trip.

Debit.

Cidra, Wenceslao Segarra	12—	2.35	28.20
Comerio, Modesto Cobian	100	2.25	225.10
Gurabo, Jose Rosa	20	2.25	45.
Juncos, Claudio Calenti	25	2.25	56.25
San Lorenzo, Pachin y Ramirez	55	2.25	122.75
Aguas Buenas, Pio Richani	38	2.25	85.50
			562.70

Credit.

On account of having been returned:

Wenceslao Segarra	1½	....	3.52
Modesto Cobian	55	....	123.35
Pachin y Ramirez	30	....	67.50
Pio Richani	37½	....	87.38
			281.75

Credit.

Wenceslao Segrra	...	....	21.
Modesto Cobian	...	....	.....
Jose Rosa	...	....	.....
Claudio Calenti	...	....	.....
Pachin y Ramirez	...	....	.....
Pio Richani	...	....	1.12

297

Caguas.—Ebaristo Martinez	47—	2.25	105.75
" Antonio Vigo ....(P)..	50—	2.25	112.50
" Joaquin Mendez ..(P)..	25—	2.25	56.25
" Manuel Cadillar	25—	2.30	57.50
" Jose Davila	4	2.50	10.00
Gurabo Jose Rosa	50	2.25	112.50
Juncos Jose Silva.....P..	100	2.25	225.00

Aguas Buenas Pio Richani.....	25	2.25	56.25
San Lorenzo, Pachin y Ramirez...	50	2.25	112.50
La Cidra, Wenceslao Segrra.....	14	2.35	32.90
Comerio—Modesto Cobian	25	2.25	56.25
Cayey.—Casile Vidal	20	2.30	46.00
Aibonito—Manuel Alvarez ....P..	15	2.30	34.50
Humacao—Celso Lopez	150	2.25	337.50
Naguabo—Francisco Sirbent	10	2.40	24.00
Fajardo—Manuel Siaca	25	2.25	56.25
Las Piedras.—Ramon Garcia..P..	10	2.20	22.00
			1,457.65

298 Next of the 7th.

	100 at 2.25
	150 at 2.25
	50 at 2.30
	50 at 2.25
	50 at 2.25
	25 at 2.25
	250 at 2.25
	50 at 2.25
	25 at 2.35
	50 at 2.30
M. Alvarez	50 at 2.30
	25 at 2.35
	250 at 2.25
in Humacao	75 at 2.25
	25 at 2.40
	150 at 2.25
	25 at 2.40
	25 at 2.40
	50 at 2.40
chez	50 at 2.30
nos	300 at 2.25
	1,825

299 *Memorandum of Expenditures of Santos—Center, South, and West.*

First trip	26.50	
Second trip	65.50	
		92.00
Money supplied:		
A. M. Cerecedo.....	5.00	
Juan Rosa Diaz.....	5.00	
N. Segarra	21.00	
N. Rodriguez	22.00	
E. Martinez	10.00	
Hotel Frances	1.50	
Pio Richani	1.12	
		65.62

Merchandise Returned.

First Issue.

August 3rd	69.00	
August 17th	352.50	
		421.50

Recapitulation.

Machin & Ramirez.
Pio Richani.
La Cidra.
Cobian.

300 EXHIBIT IIII FOR GOV'T, # 553, CR.

Filed March 27th, 1914.

Tito Santos.

Sales.

Juncoa. N. Sierra	10	cjs.	
Gurabo J. Rosa Diaz	50	"	
Humacao, Celso Lopez	100	"	
Lopez Cepeda	75		All is firm.
Naguabo Paco	25		
Caguas, Ramon Cadilla	25		
" J. Nuñez	25		
San Lorenzo, Pachin y Ramirez	50		
Pio Richani	25		
			375
Antonio Ramos			25
J. Davila			2
			397

Few but firm.

The other towns did not take because it was not a sure thing. Now those of Antonio are not sure.

Paco Serra	23	
M. Siaca Figueroa	56	25
Casita Vidal	46	
Evaristo Martinez	101	75
Wenceslao Segarra	10	
Un pro que mandara	23	
Celso Lopez	307	
I am sending you	294.25	
" " " in values	174.50	
" "	14	
To-day	23	
Other values	445.75	
	48	
	493.75	

301 I will duly send you other money which I have not collected yet because I have not been able to call for it. From what I have collected there does not appear

Pachin y Ramirez,
Silva,
J. Rosa,
P. Richani,

Cadilla paid to the clerk of Messeguer which was covered by the $45 which he delivered to us.

I am returning you 51 from the first that were brought because the men who had this merchandise buried in their houses were taken to jail and watched very closely. On this trip I left none and I do not intend to leave any more, as they ought to watch their own interests and not others.

SANTOMESO.

302 ESTEEMED FRIEND: The man of my confidence will deliver to you two hundred and ninety four dollars and 25 cents, in premiums, devolutions and check. As I am not through with the sale I am unable to liquidate. As to the next surprises you will already know how discredited they are around here, but I hope that that will make no difference to you because I have 2000 well placed.

SIR: Delivered with the combinations which we agreed upon see if you can send same to Caguas before Tuesday, if so, advise me at Hotel Fajardo, right in town, and thereby I will deliver them to the conductors of the Express. Cadilla seems to get too much excited and the business may break up. I have other tickets which have drawn prizes but I have been unable to send them.

Yours truly,

(YOU KNOW WHO I AM.)

303

From Arecibo to San Juan, telegram	.50
Telephone message during 8 minutes	1.40
do. do. do. 6 do.	.90
do. do. do. 5 do.	.70
do. do. do. 9 minutes	1.50
A telegram to San Juan	0.25
Telegram to Andres and messenger	3.10
Telegram to —— ——	1.05
1 mileage book	10.50
One trip from Aguadilla to Lares	10.00
Lodging at the Baleares three days	7.50
Trip to Utuado	2.00
Taken by me	3.00
Lodging in Lares	3.50
" in Aguadilla	1.50
	47.40
Additional expenditures with A. M. Marin	2.00
	49.40

304 Sales firm
but cannot be latter than Tuesday, (Illegible.)

Juncos	600
Humacao	300
Garabo	50
San Lorenzo	50
Cayey	50
Cidra	25
Aguas Buenas	25
Caguas	400
Rio Piedras	200
Yabucoa	100

I need yet Carolina, R. Gr. M. Fajardo, La Ceiba, Naguabo and Vieques which I have not seen yet. I wonder if it is 20002.

305 EXHIBIT JJJJ GOV'T, #553, CR.

Filed March 27th, 1914.

Sr. Don J. Marcial.

ESTEEMED FRIEND: I am sending you with the bearer 135 dollars which you will please credit to me. I would have liked to have remitted you the balance but I have not yet finished taking up the prized ones.

I have had no reply to my last letter. Please inform me if I may count with the exchange because these people are accosting me.

Yours truly,

R. GARRIDO.

On the back: Carlos Gallart, Guayama, September 7, 1913. Ans'd 8.

306 EXHIBIT KKKK FOR GOV'T, #553, CR.

Filed March 27th, 1914.

GUAGAMA, September 5th, 1913.

Sr. Don. M. Cerecedo, San Juan.

ESTEEMED FRIEND: This is to inform you that we arrived well, and at the same time as agreed upon, to give you the number of the Post Office box of Don Juan Bousset, which is No. 203. I would request you to remit me funds as soon as possible for as soon as I arrived, these people came to see me and I have given them hopes to pick them up this week as offered.

Without anything further, give my regards to your family and I remain,

Very truly yours,

RAMON GARRIDO.

307 EXHIBIT A FOR DEFENDANT, #553, CR.

Filed March 27th, 1914.

March 16th, 1914.

The Honorable the United States District Attorney, San Juan, P. R.

SIR: On behalf of and as Attorney for Manuel Cerecedo, one of the defendants in the case of The United States vs. Manuel Cerecedo, et al., for an alleged violation of Section 37 of the United States Criminal Code, I hereby request you to deliver to me any and all papers now in your possession, belonging to the said Manuel Cerecedo, and which were taken from his house or establishment by one Walter M. St. Elmo, a detective, under and by virtue of a search warrant issued by the Municipal Court of San Juan, on or about the 16th day of September, 1913.

The grounds for my request are, that the taking of all such documents, correspondence, books of accounts and other papers from the possession of the defendant, without his consent and for the purpose of being used against him as evidence, constitute a violation of his constitutional rights guaranteed by the Fourth Amendment of the Constitution of the United States; and further, that the search warrant issued for the purpose of securing evidence against the said Manuel Cerecedo was illegal and void.

Very respectfully,

____ ____,

Attorney for Defendant Manuel Cerecedo.

308 In the District Court of the United States for Porto Rico,
March 25th, 1914.

Journal Entry.

#553. Criminal.

UNITED STATES
vs.
MANUEL CERECEDO et al.

This day again comes the United States by its attorney W. N. Landers and the defendants Manuel Cerecedo, Andres Grillasca and Carlos Valle in their own proper person and represented by their Attorney Martin Travieso, Jr., also comes the Jury heretofore impanelled and sworn, and the trial of the cause proceeds.

The Jury hears the argument of counsel, the instructions of the Court upon the law of the case and retire to their room in custody of the United States Marshal to consider of a verdict. Thereafter comes again the Jury in custody of the United States Marshal the defendants being present in Court, and the Jury in response to the question of the Court in that regard, say that they have agreed upon a verdict, to wit:

#553. Criminal.

UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRES GRILLASCA, and CARLOS VALLE.

Verdict.

"We, the Jury duly impanelled and sworn upon the trial of the above entitled action, find the defendants Manuel Cerecedo, Andres Grillasca and Carlos Valle guilty of the crime of conspiracy as charged in the indictment.

Dated at San Juan this 25th day of March, A. D. 1914.

(Signed) R. L. HOLMES,
"Foreman."

309 which verdict is read by the Clerk and the Jury being asked if that is their verdict, they all answered that "it is." Whereupon the Clerk is ordered to file and enter of record said verdict. The Court extends to the Jury its thanks for their services and they are discharged from the cause and for the term.

The defendants by their attorney having moved the Court that they be allowed to execute a bond for their appearance on the day which may be fixed by the Court for the pronouncing of judgment in the case and the Court having denied the motion, all and every one of the defendants separately and personally waived any right to the time he may be allowed by law, after the verdict, for the pronouncing of sentence and asked judgment in the premises.

Whereupon the Court after hearing the statement of the United States Attorney, inquires of Manuel Cerecedo if he has anything to say why judgment should not be pronounced against him; and said Manuel Cerecedo having nothing to say, the Court pronounces sentence as follows:

Sentence.

It is the sentence and judgment of this Court that you, Manuel Cerecedo, be confined in the Penitentiary at San Juan, Porto Rico, for the term of two years from this date and that you pay a fine to the United States of America in the sum of ten thousand dollars ($10,000.00).

Whereupon the defendant Andres Grillasca is asked by the Court if he has anything to say why judgment should not be pronounced against him; and said Andres Grillasca, having nothing to say, the Court pronounces sentence against him, as follows:

Sentence.

10 It is the sentence and judgment of this Court that you, Andres Grillasca, be confined in the Penitentiary at San Juan, Porto Rico, for the term of one year from this date and

that you pay a fine to the United States of America in the sum of one thousand dollars ($1,000.00).

Whereupon the defendant Carlos Valle is asked by the Court if he has anything to say why judgment should not be pronounced against him; and said Carlos Valle, having nothing to say, the Court pronounces sentence against him, as follows:

Sentence.

It is the sentence and judgment of this Court that you, Carlos Valle, be confined in the Penitentiary at San Juan, Porto Rico, for the term of one year from this date and that you pay a fine to the United States of America in the sum of five hundred dollars ($500.00).

The Court orders that final commitment issue in the premises.

311 In the United States District Court for the District of Porto Rico.

(Filed April 3rd, 1914.)

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
versus
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CÁRLOS VALLE, Defendants.

Petition for a Writ of Error and Supersedeas.

To the Honorable Peter J. Hamilton, Judge of the United States District Court for the District of Porto Rico:

And now come Manuel Cerecedo, Andrés Grillasca and Cárlos Valle, the defendants in the above-entitled cause, by their Attorney Martin Travieso, Jr., and complain that in the record and proceedings had in the said cause, in the admission and rejection of evidence, in the rendition of the verdict, and in the judgment entered on the 25th of March, 1914, against each and every one of the said defendants in the above cause, manifest error has happened to the great damage of the said defendants.

Wherefore, the said defendants pray for the allowance of a writ of error, and for an order fixing the amount of the bail bond for a supersedeas in the said cause; and further ordering that a transcript of the record, proceedings and papers in this cause, duly authenticated, may be sent to the Supreme Court of the United States, in order that the said Court may proceed to the correction of the errors assigned in the assignment of errors filed with this petition.

Dated this 3rd day of April, A. D. 1914.

(Signed) MARTIN TRAVIESO, JR.,
Attorney for Defendants.

312 In the District Court of the United States for Porto Rico.

Filed April 3rd, 1914.

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CÁRLOS VALLE,
Defendants.

Assignment of Errors.

Now come the defendants above-named, who are the Plaintiffs in error in the above entitled cause, and file the following assignment of errors, upon which they will rely in the prosecution of the writ of error from the decree and judgment of the District Court of the United States for Porto Rico, on the 25th day of March, 1914.

I.

That the District Court of the United States for the District of Porto Rico erred, to the prejudice of all of the defendants, in admitting in evidence, over the objection of the defendants, each and every one of the letters, telegrams, documents, contracts, papers and books taken from the house and from the possession of the defendant Manuel Cerecedo, without his consent and against his protest, by the Chief of Detectives, under a search warrant issued by the Municipal Court of San Juan.

The taking of such papers for the purpose of being used as evidence against the defendant Manuel Cerecedo, and their admission by the Court as evidence against such defendant constitutes an error
313 which greatly prejudiced the defendant, violated his constitutional rights, as guaranteed and secured to him by the Fourth and Fifth Amendments to the Constitution of the United States, exposing him to an unreasonable search of his house and compelling him to give and furnish evidence against himself.

The decision of the Court was duly excepted to by counsel for Defendants, now Plaintiffs in error.

II.

The said Court erred when it admitted in evidence, against the objection of the defendant, each and every paper alleged to have been written by the defendant Manuel Cerecdo and which were taken from his house and from his possession, without his consent, against his protest and in violation of his constitutional right not — be compelled to testify or to furnish evidence against himself and in violation of his constitutional right to be protected against unreasonable searches and seizures.

III.

That the said Court erred in admitting in evidence several letters, telegrams and papers, taken from the house and from the possession of the defendant Cárlos Valle, by the Chief of Detectives, under a search warrant obtained and issued, as it appears from the affidavit upon which it was issued and from the face of the warrant itself, for the sole purpose of securing evidence with which to prosecute the defendants in this case.

The admission of such papers in evidence and the taking thereof by the Chief of Detectives, constitute a violation of the defendant's constitutional rights to be protected against unreasonable searches and seizures and not to be compelled to testify or to give evidence against himself, as guaranteed by the Fourth and Fifth
314 Amendments of the Constitution of the United States. Exceptions were duly taken.

IV.

That the Court erred in refusing and denying the several motions made by the Attorney for the defendants, for an order directing the United States District Attorney to return and deliver to the defendants Manuel Cerecedo and Carlos Valle, each and every letter, book, paper or document taken from their possession and offered as evidence by the District Attorney, in violation of the constitutional rights of said defendants not to be compelled to give evidence against themselves.

V.

That the Court erred in refusing to admit as evidence to go before the Jury, a copy of the letter written by Counsel for the defendants and handed by him personally to the United States District Attorney, wherein counsel for the defendants made a demand upon the United States Attorney, prior to the beginning of the trial, for the return and delivery to counsel for the defendants of each and every one of the papers, letters, contracts, documents, telegrams and books taken from the possession of the defendants by the Chief of the Detectives, against the protest and without the consent of the defendants and in violation of their constitutional rights under the Fourth and Fifth Amendments to the Constitution of the United States; and which demand was refused by the United States Attorney upon the ground that the said papers were not in his possession.

The rulings of the Court on the said motions were duly excepted to, as the record shows.

VI.

315 That the said Court erred in admitting in evidence a great number of papers alleged to be lottery tickets of the Santo Domingo Lottery of Padre Billini, which documents were at and prior to the time of being offered in evidence so mutilated and punctured by the Chief of Detectives who took possession of them, that it was impossible to identify them. The said documents were ad-

mitted without sufficient identification and without evidence to show that they were true and genuine lottery tickets. The admission of such papers in their mutilated condition and without proper and sufficient identification was duly objected to and exceptions duly taken by defendants.

VII.

That the Court erred in allowing the witness Schwarts to testify as a handwriting expert, for the purpose of comparing the handwriting of the defendant Manuel Cerecedo:

A. Because the said witness failed to qualify as an expert in handwriting and in the comparison of handwritings; and

B. Because the elements furnished to the said witness to enable him to testify as a handwriting expert were entirely insufficient. The record shows that the said witness had before him only an admitted signature of the defendant Manuel Cerecedo, which was insufficient to enable him to testify whether or not hundreds of pages said to have been written by the said defendant were written by him or not.

The evidence was admitted over the objection of the defendants, and the ruling of the Court was duly excepted to.

And in order that the foregoing assignment of errors may be and appear of record, the plaintiffs in error present the same to this Court and pray that such disposition be made thereof as in accordance with law and the Statutes of the United States in such cases made and provided.

Respectfully submitted,

(Signed) MARTIN TRAVIESO, JR.,
Attorney for Plaintiffs in Error.

316 In the United States District Court for the District of Porto Rico.

(Filed April 3, 1914.)

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
versus
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CÁRLOS VALLE, Defendants.

Order Allowing Writ of Error.

On this 3rd day of April, 1914, came the defendants above-named, by their Attorney, and filed herein and presented to the Court their petition, praying for the allowance of a writ of error, an assignment of errors intended to be urged by them, praying also, that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be send to

the Supreme Court of the United States, and that such other and further proceedings may be had as may be proper in the premises.

On consideration whereof, the Court allows the said writ of error upon the defendants giving each of them a bail bond, as follows:

Manuel Cerecedo, in the sum of $ Twenty thousand Dollars.

Andrés Grillasca, in the sum of $ Three Thousand Dollars.

Cárlos Valle, in the sum of $ Two Thousand Five Hundred Dollars.

All of which bonds shall operate as a supersedeas of the judgment and sentence in the above cause.

(Signed) PETER J. HAMILTON,
[SEAL.] *Judge of the United States District Court for Porto Rico.*

317 In the United States District Court for the District of Porto Rico.

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
versus
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CÁRLOS VALLE, Defendants.

Writ of Error.

THE UNITED STATES OF AMERICA,
District of Porto Rico, ss:

The President of the United States to the Honorable Judge of the District Court of the United States for the District of Porto Rico, Greeting:

Because in the records and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court, before you, between The United States of America and the defendants above named, Manuel Cerecedo, Andrés Grillasca and Cárlos Valle, manifest error has happened to the great damage of the said defendants, as by their complaint appears; we, being willing that the error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, if judgment be therein given, that under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, together with this writ, so that you may have the same at the City of Washington on the — day of —— next, in the said Supreme Court, to be then and there held, that the record and proceeding aforesaid being inspected, the said Supreme Court may cause further to be done to correct that error, what of right, and according to the laws and customs of the United States, should be done.

Witness the Honorable Edward D. White, Chief Justice of the

United States, the 3rd day of April, in the year of our Lord one thousand nine hundred and fourteen, and of the independence of the United States of America the one hundred and thirty-eighth.

[Seal United States District Court for the District of Porto Rico.]

ANTONIO AGUAYO,
Clerk of the District Court of the United States for Porto Rico.

Allowed by
PETER J. HAMILTON,
District Judge.

318 UNITED STATES OF AMERICA, *ss:*

To W. N. Landers, Esq., United States District Attorney for the District of Porto Rico, and to the United States of America, Greeting:

You are hereby cited and admonished to be and appear at a Supreme Court of the United States, at Washington, within sixty days from April 3rd, 1914, pursuant to a writ of error, filed in the Clerk's Office of the District Court of the United States for the District of Porto Rico, wherein Manuel Cerecedo, Andrés Grillasca and Cárlos Valle, are plaintiffs in error, and The United States of America is defendant in error, to show cause, if any there be, why the judgment rendered against the said plaintiffs in error as in the said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Witness, the Honorable Peter J. Hamilton, Judge of the District Court of the United States for Porto Rico, this Eleventh day of April, in the year of our Lord one thousand nine hundred and fourteen.

[Seal United States District Court for the District of Porto Rico.]

PETER J. HAMILTON,
Judge of the District Court of the United States for Porto Rico.

On this eleventh day of April, in the year of our Lord one thousand nine hundred and fourteen, personally appeared Martin Travieso, Jr., before me, the subscriber, Clerk of the United States District Court and makes oath that he delivered a true copy of the within citation to W. N. Landers, Esq., United States District Attorney for the District.

Sworn to and subscribed the 11th day of April, A. D. 1914.

[Seal United States District Court for the District of Porto Rico.]

ANTONIO AGUAYO,
Clerk U. S. Court.

319 In the District Court of the United States for Porto Rico.

(Tendered April 18th, 1914)

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CÁRLOS VALLE, Defendants.

Motion.

Now come the defendants Manuel Cerecedo, Carlos Valle and Andrés Grillasca, by their Attorney Martin Trávieso, Jr., and move the Court as follows:—

That on the 25th day of March, 1914, the defendants were found guilty and convicted of the alleged crime of conspiracy, and sentenced by this Honorable Court to the payment of a fine and to serve different terms of imprisonment; and that each and every one of said defendant- was at once confined in the Penitentiary, pending the allowance of a writ of error from this Court to the Supreme Court of the United States.

That in order to prepare a petition for a writ of error and the assignment of errors to be filed with the said petition, it was necessary first to obtain a transcript of the testimony taken at the trial, without which no complete assignment of errors could be prepared.

That after remaining in the penitentiary for six days, and being unable to obtain from the stenographer of this Court a copy of the transcript of the testimony, by reason of the physical impossibility to prepare the said transcript in such a short time, the defendants,

320 believing that they were entitled to the issuance of a writ of error as a matter of right and that they should not be deprived of their liberty by such an impossibility over which they had no control, presented their petition to this Honorable Court, praying for the allowance of a writ of error to the United States Supreme Court. The writ was allowed by this Honorable Court on April —, 1914.

That the defendants at the time of filing their petition for a writ of error attached to the said petition their "assignment of errors," which was prepared by their counsel taking as a basis therefor his recollection of what had taken place at the trial of the case. The said "assignment of errors," did not and could not contain a complete list of errors committed at the trial, a great number of which were omitted by reason of the fact that up to that time the defendants had been unable to secure a copy of the testimony taken at the trial, although request therefor was made every day to the stenographer of this Court.

That it was not until April 18, 1914, that the attorney of the defendants was able to obtain a complete transcript of testimony.

That by means of the said transcript of testimony the attorney for the defendants has been able to prepare and has prepared a complete assignment of errors, which is now tendered to this Honorable Court under the title of "Supplemental assignment of errors."

Wherefore, the defendants respectfully pray this Honorable Court for an order accepting the said "supplemental assignment of errors" as a substitute for the assignment of errors originally filed.

(Signed) MARTIN TRAVIESO, JR.,
Attorney for Defendants.

Martin Travieso, Jr., being first duly sworn, deposes and says: That he is the attorney for the defendants in this cause; that he has drawn the foregoing motion and knows its contents and that the same is true of his own knowledge.

(Signed) MARTIN TRAVIESO, JR.

321 Sworn and subscribed before me this 18 day of April, 1914.
[SEAL.] ANTONIO AGUAYO,
Clerk U. S. District Court,
(Signed) By L. A. GROSS, *D. C.*

322 & 323 In the District Court of the United States for Porto Rico.

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CARLOS VALLE,
Defendants.

Affidavit of Arthur J. Harvey.

UNITED STATES OF AMERICA,
District of Porto Rico, ss:

Arthur J. Harvey being first duly sworn deposes and says: That he is the official stenographer of the United States District Court for Porto Rico; that the trial of the above cause began on the sixteenth day of March and was ended on the 25th of March, 1914. That immediately upon the return of the verdict against the defendants, counsel for the said defendants requested the deponent to prepare and hand over to him a transcript of the testimony; that deponent has devoted practically all his time not taken up by other official work, to the preparation of the said transcript, but the testimony taken at the trial of this cause was so long and voluminous, and deponent has been so much engaged in taking testimony at other trials, that he has not been able to complete the desired transcript until the 18th day of April, 1914, on which date he was able to deliver the last one hundred pages to Mr. Martin Travieso Jr., attorney for the defendants.

(Signed) ARTHUR J. HARVEY.

Sworn and subscribed before me this day 18th of April, 1914.

[SEAL.] ANTONIO AGUAYO,
Clerk U. S. District Court,
(Signed) By L. A. GROSS, *D. C.*

324 In the District Court of the United States for Porto Rico.

Tendered Apr. 18, 1914.

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CARLOS VALLE,
Defendants.

Supplemental Assignment of Errors.

Now come the defendants above-named, who are the Plaintiffs in error in the above entitled cause, and file the following supplemental assignment of errors, upon which they will rely in the prosecution of the writ of error from the decree and judgment of the District Court of the United States for Porto Rico, on the 25th day of March, 1914.

1º. The Court erred in admitting in evidence, over the objection of the defendants, the search warrant issued by the Municipal Court of San Juan, which search warrant was incomplete on its face and failed to show that it had been issued on the affidavit of a person, and was therefore illegally issued and void. The said search warrant was admitted in evidence and marked "Exhibit B for the Government. An exception was taken to the ruling of the Court.

2º. The Court committed error in refusing to allow counsel for the defendant to cross examine the witness Mr. Fernando J. Geigel, Municipal Judge of San Juan, with reference to what papers were taken from the premises of the defendant Manuel Cerecedo under the authority of the search warrant issued by the said Municipal Judge and executed in his presence. An exception was taken to the ruling of the Court.

3º. That the Court committed error in admitting in evidence "Exhibit C for the Government," consisting of a letter taken
325 from the possession of the defendant by the detective Mr. St. Elmo under a search warrant which authorized him only to take such lottery tickets as might be found in the possession of the defendant; and the taking of such letter against the objection of the defendant and its admission in evidence constitute a violation of the defendant's rights as guaranteed to him under the Fourth and Fifth Amendments of the Constitution of the United States. An exception was taken by defendant to the ruling of the Court.

4º. The Court committed error in refusing the motion of the defendant for an order directing the United States District Attorney to deliver to the defndant's counsel the letter offered by him in evi-

dence and marked "Exhibit C for the Government" and any other document of a private character taken from the possession of the defendant Manuel Cerecedo, without his consent and against his protest by the detective Mr. St. Elmo. An objection was taken to the ruling of the Court.

5°. The Court committed error in admitting in evidence against the defendants certain papers alleged to be lottery tickets and which papers at the time of being offered in evidence for the Government were so mutilated and full of holes, said to have been made by the detective St. Elmo, that it was impossible to determine from an inspection of the alleged tickets, whether or not they were such lottery tickets, as those described in the indictment. The admission in evidence of such incomplete documents or so-called tickets, in their mutilated condition and without proper identification, constituted an error greatly prejudicial to the right of the defendants.

An exception was taken to the admission of such papers, which were marked "Exhibit D for the Government."

6°. The Court erred by admitting in evidence certain papers offered by the District Attorney and claimed by him to be lottery tickets, without having the same properly identified first and shown to be genuine tickets of the Santo Domingo Lottery. The
326 papers were marked "Exhibit E for the Government," and an exception was noted by defendant.

7°. The Court committed an error when it admitted, over the specific objections of the defendant, "Exhibit- F to Z for the Government," being letters illegally taken from the possession of the defendant Manuel Cerecedo, without his consent, against his protest after he had been arrested and for the purpose of being used in evidence against him, in violation of his constitutional rights, and in abuse of the process of the Municipal Court which issued the search warrant; and the Court further erred in denying the application of the defendant for an order directing the District Attorney to deliver to counsel for the defendant the said letter so offered in evidence. An exception was taken by the defendant, to the admission of each and every one of the said letters.

8°. The Court committed an error when it admitted in evidence "Exhibit- A A to D D for the Government," consisting of three books of account and a letter press book said to be written in the handwriting of the defendant Manuel Cerecedo, and which books were illegally taken from the possession of the defendant, against his objection, without his consent and at the time when he had been arrested by the detective, all of which constitute a violation of the Constitutional privilege not to be compelled to give evidence against himself; the Court further erred when it refused to grant the defendant's motion for an order directing the District Attorney to deliver to defendant's counsel the said books of account; and the Court further erred when, being in doubt as to whether or not the books were admissible in evidence, it refused to give the defendant the benefit of such doubt and decided to admit the evidence, so that an exception might be taken and the ruling reviewed by the appellate Court. An excep-

tion was taken to such ruling and to the admission of each and every book so offered in evidence.

327 9. The Court committed error when it admitted in evidence "Exhibits E E to K K for the Government," consisting of private papers and documents taken from the possession of the defendant Manuel Cerecedo, while he was under arrest, against his protest and without his consent and in violation of his constitutional right not to be compelled to testify or to furnish evidence against himself; and the Court further erred when it refused to grant the defendant's motion for and order directing the District Attorney to deliver the said papers to the defendant's Counsel.

10. That the Court erred by admitting in evidence "Exhibits L L and M M for the Government," purporting to be lottery tickets without the said papers being first identified as valid and authentic lottery tickets. An exception was taken.

11. That the Court committed error by admitting as evidence for the Government certain papers purporting to be lottery tickets, and which were so mutilated and punctured at the time of being introduced in evidence that it was impossible to determine whether they were authentic lottery tickets or not. The papers were marked "Exhibit P P for the Government" and an exception taken.

12. The Court committed error when it admitted in evidence "Exhibit Q Q for the Government," purporting to be three lottery lists of prizes, without the said papers being identified first as official valid and authentic lists of the Santo Domingo Lottery. An exception was taken to such ruling.

13. That the Court erred by admitting in evidence, over defendant's objection, "Exhibits C C C to H H H for the Government" being telegrams, letters and private papers taken from the house and from the possession of the defendant Carlos Valle, by Walter M. St. Elmo, a detective, under an illegal search warrant, illegally issued by the Municipal Judge of Cabo Rojo, and showing on its face that it was issued for the purpose of authorizing the said detective to enter the home of said defendant Carlos Valle to take possession of documents to be used as evidence against the said defendant for

328 an alleged violation of sections 293 and 294 of the Penal Code of Porto Rico, in violation of the said defendant's constitutional right to be protected against unreasonable searches and not to be compelled to give evidence against himself; and the Court further erred when it overruled the several motions made by defendant for an order directing the District Attorney to return the said papers to the Defendant Carlos Valle. Separate exceptions were taken by defendant to each ruling of the Court.

14. The Court erred by admitting in evidence, over defendant's objection "Exhibits J. J. J. to L. L. L. for the Government," consisting of private papers taken from the house and from the possession of the defendant Manuel Cerecedo, and without his consent, by a detective, while the said defendant was under arrest, in violation of the defendant's Constitutional right not to be compelled to give evidence against himself; and the Court further erred by over-

ruling the defendant's motions for orders directing the District Attorney to return the said papers to the defendant.

Exceptions were taken to the admission of each one of the said Exhibits.

15. The Court erred in refusing to allow counsel for the defendant to ask the witness Walter M. St. Elmo, the following question:

"What was your purpose, Mr. St. Elmo, in getting out a search warrant?"

The Court overruled the question on the ground that "ordinarily you cannot prove a man's intention."

An exception was taken to such ruling, which prevented the defendant from establishing the fact that the search warrant was secured for the purpose of obtaining evidence wherewith to prosecute the said defendant.

16. The Court erred by refusing to allow counsel for the defendant to ask the witness J. A. Geraldino the following question:

329 "Did you know what the tickets sold by you to Dr. Mañon were for?"

The purpose of such question being to connect the witness with the commission of the alleged conspiracy and to show that being a co-conspirator his testimony had to be corroborated before it could be of any effect against the defendants.

An exception was taken to the ruling of the Court.

17. The Court erred in admitting in evidence, over defendant's objection "Exhibit S. S. S. and T. T. T. for the Government," consisting of a number of telegrams supposed to have been sent by the defendant Manuel Cerecedo, without any evidence to show that the said telegrams had been written by the defendant Manuel Cerecedo or by one of the other defendants or ordered to be sent by any one of the three defendants. An exception was taken to such ruling.

18. The Court erred in allowing the witness Rudolf Swartz, over defendant's objection, to testify as an expert in the comparison of handwritings, without the said Swartz being first fully qualified and shown to be an expert, and after it appeared from his own testi- and each of our goods, chattels, lands and tenements, upon this comparison of handwritings.

Exception was taken to such ruling.

19. The Court erred in permitting the witness Rudolf Swartz to testify to the effect that the book marked "Exhibit B B for the Government" was in the handwriting of the defendant Manuel Cerecedo, for the reasons:

1st. The said witness was not qualified as an expert.

2nd. The undisputed handwriting given to the witness for the purpose of comparing it with the writing in "Exhibit B B" was only a signature of Manuel Cerecedo, appearing in "Exhibit X. X. X. for the Government," which was not sufficient to enable the witness to judge properly.

An exception was taken to the ruling.

And in order that the foregoing assignment of errors may
330 be and appear of record, the plaintiffs in error present the same to this Court and pray that such disposition be made

thereof as in accordance with law and the Statutes of The United States in such cases made and provided.

Respectfully submitted,

(Signed) MARTIN TRAVIESO, JR.,
Attorney for Plaintiffs in Error.

351 In the District Court of the United States for the District of Porto Rico.

(Filed April 3rd, 1914.)

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
versus
MANUEL CERECEDO, ANDRÉS GRILLASCA, and CARLOS VALLE,
Defendants.

Bail Bond Pending Writ of Error.

THE UNITED STATES OF AMERICA,
District of Porto Rico, ss:

We, Andrés Grillasca, Joaquin Matienzo and Benito Zalduondo jointly and severally, acknowledge ourselves indebted to the United States of America in the sum of three thousand dollars ($3,000.00) lawful money of the United States of America, to be levied on our, and each of our goods, chattels, lands and tenements, upon this condition:

Whereas, the said Andrés Grillasca has sued out a writ of error from the judgment of the District Court of the United States for the District of Porto-Rico, in Criminal case number 553 of the said Court, wherein the United States of America are plaintiffs and the said Andres Grillasca is one of the defendants, for a review of said judgment in and by the Supreme Court of the United States.

Now, if the said Andrés Grillasca shall appear and surrender himself in the District Court of the United States for the District of Porto-Rico on and after the filing in the said District Court of the mandate of the Supreme Court of the United States, and from time to time thereafter as he may be required to answer any further proceedings, and abide by and perform any judgment or order which may be had or rendered therein in this case, and shall abide by and perform any judgment or order which may be rendered in the said Supreme Court of the United States and not depart from the said District of Porto-Rico without leave thereof, then this obligation shall be void; otherwise to remain in full force and virtue.

Witness our hands and seals, this 3rd day of April A. D. 1914.

(Signed) ANDRÉS GRILLASCA.
(Signed) JOAQUIN MATIENZO.
(Signed) B. ZALDUONDO.

Witnesses:
(Signed) MARTIN TRAVIESCO, JR.
(Signed) W. N. LANDERS.

332 UNITED STATES OF AMERICA,
District of Porto Rico,
City of San Juan, ss:

On this 3rd day of April A. D. 1914, before me personally came and appeared Joaquin Matienzo and Benito Zalduondo who are respectively to me known to be the persons described in and who executed the foregoing bail bond as sureties thereto, and respectively acknowledged, each for himself, and not for the other, that they executed the said bond as their free act and deed for the purposes therein set forth.

And the said Joaquin Matienzo and Benito Zalduondo being by me respectively and duly sworn, says, each for himself and not for the other, that he is a resident and property holder in the Island of Porto-Rico, United States of America, and that he is worth the sum of Three thousand dollars ($3,000.00) over and above his just debts and legal liabilities and property exempt from execution.

(Signed) JOAQUIN MATIENZO.
(Signed) B. ZALDUONDO.

Subscribed and sworn to before me, this 3rd day of April A. D. 1914.

[SEAL.] (Signed) ANTONIO AGUAYO,,
Clerk of the United States District Court for Porto Rico.

The within bond is hereby approved both as to sufficiency and form this 3rd day of April 1914.

[SEAL.] (Signed) PETER J. HAMILTON,
Judge United States District Court for Porto Rico.

333 In the District Court of the United States for the District of Porto Rico.

(Filed April 3rd, 1914.)

No. 553. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
versus
MANUEL CERECEDO, ANDRES GRILLASCA, and CARLOS VALLE,
Defendants.

Bail Bond Pending Writ of Error.

THE UNITED STATES OF AMERICA,
District of Porto Rico, ss:

We, Carlos Valle, Dr. José Salgado and Benito Zalduondo jointly and severally, acknowledge ourselves indebted to the United States of America in the sum of twenty-five hundred dollars ($2500.00)

lawful money of the United States of America, to be levied on ou and each of our goods, chattels, lands and tenements, upon th condition:

Whereas, the said Carlos Valle has sued out a writ of error fro the judgment of the District Court of the United States for the Di trict of Porto-Rico, in Criminal case Number 553 of the said Cour wherein the United States of America are plaintiffs and the sai Carlos Valle is one of the defendants, for a review of said judgmer in and by the Supreme Court of the United States.

Now, if the said Carlos Valle shall appear and surrender him self in the District Court of the United States for the District o Porto-Rico on and after the filing in the said District Court of th mandate of the Supreme Court of the United States, and from tim to time thereafter as he may — required to answer any furthe proceedings, and abide by and perform any judgment or order whic may be had or rendered therein in this case, and shall abide b and perform any judgment or order which may be rendered in th said Supreme Court of the United States and not depart from th said District of Porto-Rico without leave thereof, then this obliga tion shall be void; otherwise to remain in full force and virtue.

Witness our hands and seals, this 3rd day of April A. D. 1914

(Signed) J. CARLOS VALLE.
(Signed) JOSÉ SALGADO JIMENEZ.
(Signed) B. ZALDUONDO.

Witnesses:

(Signed) MARTIN TRAVIESO, JR.
(Signed) W. N. LANDERS.

334 UNITED STATES OF AMERICA,
District of Porto Rico,
City of San Juan, ss:

On this 3rd day of April A. D. 1914, before me personally came and appeared Dr. José Salgado and Benito Zalduondo who are respectively to me known to be the persons described in and who executed the foregoing bail bond as sureties thereto, and respectively acknowledge, each for himself and not for the other, that they executed the said bond as their free act and deed for the purposes therein set forth.

And the said Dr. José Salgado and Benito Zalduondo being by me respectively and duly sworn, says, each for himself and not for the other, that he is a resident and property holder in the Island of Porto-Rico, United States of American, and that he is worth the sum of Twenty-five hundred dollars, ($2,500.00) over and above his just debts and legal liabilities and property exempt from execution.

(Signed) JOSÉ SALGADO JIMENEZ.
(Signed) B. ZALDUONDO.

Subscribed and sworn to before me this 3rd day of April A. D. 1914.

[SEAL.] (Signed) ANTONIO AGUAYO,
Clerk of the United States District Court for Porto Rico.

The within bond is hereby approved both as to sufficiency and form this 3rd day of April A. D. 1914.

[SEAL.] (Signed) PETER J. HAMILTON,
Judge United States District Court for Porto Rico.

335 In the District Court of the United States for the District of Porto Rico.

(Filed April 3rd, 1914.)

#553, Cr. Conspiracy.

THE UNITED STATES OF AMERICA
v.
MANUEL CERECEDO, ANDRES GRILLASCA, CARLOS VALLE.

Bail Bond Pending Writ of Error.

UNITED STATES OF AMERICA,
District of Porto Rico, ss:

We, Manuel Cerecedo, Benito Zalduondo, Manuel Planellas, Rafael Fabian, Dr. Jose Salgado and Joaquin Matienzo jointly and severally, acknowledge ourselves indebted to the United States of America in the sum of Twenty Thousand Dollars ($20,000.00) lawful money of the United States of America, to be levied on our, and each of our goods, chattles, lands and tenements, upon this condition:

Whereas, the said Manuel Cerecedo has sued out a writ of error from the judgment of the District Court of the United States for the District of Porto Rico, in Criminal Case number 553 of the said Court, wherein the United States of America are plaintiffs and the said Manuel Cerecedo is one of the defendants, for a review of said judgment in and by the Supreme Court of the United States.

Now, if the said Manuel Cerecedo shall appear and surrender himself in the District Court of the United States for the District of Porto Rico on and after the filing in the said District Court of the mandate of the Supreme Court of the United States, and from time to time thereafter as he may be required to answer any further proceedings, and abide by and perform any judgment or order
336 which may be had or rendered in the said Supreme Court of the United States and not depart from the said District of Porto Rico without leave thereof, then this obligation shall be void; otherwise to remain in full force and virtue.

Witness our hands and seals this 3rd day of April, A. D. 1914.

(Signed) MANUEL CERECEDO. [SEAL.]
(Signed) B. ZALDUONDO. [SEAL.]
(Signed) MANUEL PLANELLAS. [SEAL.]
(Signed) RAFAEL FABIAN. [SEAL.]
(Signed) JOSE SALGADO JIMENEZ. [SEAL.]
(Signed) JOAQUIN MATIENZO. [SEAL.]

Witness:

(Signed) MARTIN TRAVIESO, JR.
(Signed) W. N. LANDERS.

337 UNITED STATES OF AMERICA,
District of Porto Rico,
City of San Juan, ss:

On this 3rd day of April, A. D. 1914, before me personally can
and appeared Benito Zalduondo, Manuel Planellas, Rafael Fabia
Dr. José Salgado, and Joaquin Matienzo who are respectively to m
known to be the persons described in and who executed the foregoin
bail bond as sureties thereto, and respectively acknowledged, eac
for himself, and not for the other, that they executed the said bon
as their free act and deed for the purposes therein set forth.

And the aforesaid sureties being by me respectively and du
sworn, say, as follows:

Benito Zalduondo, that he is a resident and property holder in th
Island of Porto-Rico, United States of America, and that he is wort
the sum of Fifteen Thousand dollars ($15,000.00) over and abo
his just debts and legal liabilities and property exempt from exec
tion.

Manuel Planellas, that he is a resident and property holder in th
Island of Porto-Rico, United States of America, and that he is wort
the sum of Five Thousand dollars, ($5,000.00) over and above h
just debts and legal liabilities and property exempt from executio

Rafael Fabian, that he is a resident and property holder in th
Island of Porto-Rico, United States of America, and that he is wort
the sum of Ten Thousand dollars ($10,000.00) over and above h
just debts and legal liabilities and property exempt from executio

Dr. José Salgado, that he is a resident and property holder in th
Island of Porto-Rico, United States of America, and that he is wort
the sum of Twenty-five Thousand dollars ($25,000.00) over an
above his just debts and legal liabilities and property exempt fro
execution.

Joaquin Matienzo, that he is a resident and property holder in th
Island of Porto-Rico, United States of America, and that he is wort
the sum of Twelve Thousand dollars ($12,000.00) over and abo
his just debts and legal liabilities and property exempt from exec
tion.

(Signed) B. ZALDUONDO.
(Signed) M. PLANELLAS.
(Signed) RAFAEL FABIAN.
(Signed) JOSÉ SALGADO JIMENEZ.
(Signed) JOAQUIN MATIENZO.

Subscribed and sworn to before me, this 3rd day of April, A. D
1914.

[SEAL.] (Signed) ANTONIO AGUAYO,
Clerk of the United States District Court for Porto Rico.

338 The within bond is hereby approved both as to sufficienc
and form this 3rd day of April, 1914.

[SEAL.] (Signed) PETER J. HAMILTON,
Judge United States District Court for Porto Rico.

339 In the United States District Court for the District of Porto Rico.

(Filed May 15th, 1914.)

Crim. No. 553. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRES GRILLASCA, and CARLOS VALLE.

Præcipe for Transcript.

To the Clerk of the above Court:

You will please prepare a transcript of the record in the above cause, to be filed in the office of the Clerk of the Supreme Court of the United States, under the writ of error heretofore allowed to said Court, and include in the said transcript of record the following pleadings, proceedings and papers on file, to wit:

The Indictment.
Exhibits A. B. and C. for the Government.
One ticket out of "Exhibit D. for Government.
One ticket out of "Exhibit E. for Government.
Exhibits F. to Z. for Government.
Exhibit AA for Government.
Exhibit BB " "
Exhibit CC " "
Exhibit DD " "
Exhibits EE to KK for Government.
Exhibits LL and MM for Government.
One ticket out of Exhibit OO for Government.
One ticket out of Exhibit PP for Government.
One list out of Exhibit QQ for Government.
Exhibit RR for Government.
Exhibits SS and TT for Government.
Exhibits UU to ZZ for the Government.
340 Exhibits AAA and BBB for Government.
Exhibit III for Government.
Exhibits JJJ to LLL for Government.
Exhibit NNN for Government (stub marked NNN).
Exhibit OOO for Government.
Exhibits CCC to HHH for Government.
Exhibits PPP *for* QQQ for Government.
Exhibits RRR and SSS, and TTT for Government.
Exhibits UUU to AAAA for Government.
Exhibits BBBB to KKKK for the Government.
Defendants' Exhibits.
Transcript of testimony.
Sentence and judgment of the Court.

Petition for writ of error.
Assignment of errors.
Order allowing writ of error.
Writ of error.
Citation and service.
Motion for approval of supplemental assignment of errors, and affidavit of Arthur J. Harvey.
Order of the Court thereon.
Supplemental assignment of errors. Tendered Apr. 18/14.
Supersedeas bonds.
Præcipe for transcript.
Petition for extension of time to file Bill of Exceptions.
Order of the Court thereon.
Motion for extension of time to file transcript of this case in the office of the Clerk of the Hon. Supreme Court of the United States.
Order of the Court thereon.

341 Said transcript to be prepared as required by law and by the Rules of the Supreme Court, of the United States, for filing in the office of the Clerk of the Honorable The Supreme Court of the United States.

Very respectfully,
(Signed) TRAVIESO & IRIARTE,
Attorneys for Defendants.

San Juan, P. R., Mayo 15, 1914.

342 In the District Court of the United States for the District of Porto Rico.

(Filed May 2nd, 1914.)

No. 553. Criminal.

THE UNITED STATES OF AMERICA, Plaintiff,
vs.
MANUEL CERECEDO, ANDRES GRILLASCA, and CARLOS VALLE, Defendants.

Petition for Extension of Time.

Now on this day comes the defendants, by their attorneys Traviesо & Iriarte, an- move the Court for an order extending the time within which to sign, allow and file the bill of exceptions in the above entitled cause, upon the following grounds:

That said defendants on the 25th day of March, 1914, were found guilty and convicted of the alleged crime of Conspiracy, and sentence- by this honorable Court, which said sentence was recorded in the records of this Court.

That according to law the bill of exceptions must be signed, allowed and filed within the time on which the sentence was imposed and the judgment entered in the records of this Court, but said de-

fendants, by their attorneys have been unable to file the bill of exception hereinbefore mentioned, for the reasons that the judgment of this Court, as hereinbefore stated was entered at the end of the October 1913 term of this Court, and that the April 1914 term of this Court, according to law, begun on the 2nd Monday of April 1914, and therefore the time between the 25th day of March 1913 to the 2nd Monday of April 1914 was very short period within which these defendants could have prepared and present- to the Court for
343 its approval, the bill of exceptions hereinbefore mentioned. That extraordinary circumstances, as alleged have deprived said defendants of filing their bill of exceptions in the above entitled cause, and that same are well known to this Court, because the- constitute a matter of record herein.

These defendants, also allege that the Jury impanelled to try this cause, was an special Jury called with the only purpose of trying the above entitled cause, which facts is also well known to this Court.

Wherefor-, these defendants pray this Court that this motion be granted according to law, and that an order be made and entered, enlarging the time within which to sign, allow and file the bill of exceptions herein, until the 1st day of September, 1914.

(Signed) TRAVIESO & IRIARTE,
Attorneys for Defendants.

Received copy on this 2nd day of May, 1914, was notified that the above entitled motion will be called for hearing on Monday, May 11th, 1914, at 10 o'clock A. M.

____ ____,
United States District Attorney.

344 *Journal Entry, May 4th,* 1914.

In the District Court of the United States for Porto Rico.

#553. Cr.

UNITED STATES
vs.
MANUEL CERECEDO, CARLOS VALLE, and ANDRES GRILLASCA.

Now on this day come the defendants by their Attorneys, Travieso & Iriate and also come the United States by W. N. Landers, U. S. District Attorney, and this being the date set for the hearing of the motion of the defendants for an extension of time within which to file, allow and sign the Bill of Exceptions in the above entitled cause, said motion is heard by the Court, and after being duly considered, it is denied according to law, to which action of the Court, the defendants by their attorneys duly object and except.

345 In the District Court of the United States for the District of Porto Rico.

(Filed May 4th, 1914.)

Criminal. No. 553.

THE UNITED STATES OF AMERICA, Plaintiff,
versus
MANUEL CERECEDO et al., Defendants.

Order for Extension of Time.

Now on this date came the Defendants by their Attorneys Travieso & Iriarte and moved the Court that an extension of time be granted within which to file the record in this cause in the Supreme Court of the United States pursuant to the appeal sued out, and after hearing the District Attorney of this Court in the premises and he having no objection whatever to the granting of said extension of time, it is hereby ordered that the defendants be given until the 1st day of September, 1914, within which period to file in the Supreme Court of the United States the record in this cause.

Given on this May 4th, 1914.

[SEAL.] (Signed) PETER J. HAMILTON, *Judge.*

346 *Journal Entry, July* 23, 1914.

In the District Court of the United States for Porto Rico.

#553. Cr.

UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO et al.

This cause was heretofore heard and submitted upon the motion of the defendants that their Supplemental Assignment of Errors herein presented be accepted as a substitute for the Assignment of Errors originally filed.

The Court having considered the matter the motion is this day denied.

347 Filed August 28, 1914.

In the District Court of the United States for Porto Rico.

Office of the Marshal.

UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO et al.

Certificate.

The undersigned, Harry S. Hubbard, Marshal of the above entitled Court does hereby certify:

That the Honorable Peter J. Hamilton, the Regular Judge of the District Court of the United States for Porto Rico is now absent from the Island of Porto Rico and from the said District, and that, from the best knowledge and information which the undersigned is able to obtain, the said Judge will not return to the said Island of Porto Rico and the said District until after the first day of October, 1914.

August 28th, 1914.

(Signed) H. S. HUBBARD,
United States Marshal for the District of P. R.,
By JOHN L. HAAS,
Chief Deputy.

348 In the District Court of the United States for the District of Porto Rico.

Filed August 31st, 1914.

No. —. Conspiracy.

UNITED STATES OF AMERICA
v.
MANUEL CERECEDO, ANDRES GRILLASCA, and MANUEL VALLE.

It appearing by the certificate in writing of the United States District Marshal filed in the office of the Clerk of the United States District Court for the District of Porto Rico that the Hon. Peter J. Hamilton, regular United States District Judge for the District of Porto Rico, is in the United States on leave of absence; and

It appearing that a petition has been filed in the United States District Court for the District of Porto Rico in the above entitled cause to have a special judge desognated to consider a petition of the defendants for an extension of time for the preparation of the Transcript of Record in the above case; and

It appearing that necessity has arisen and that this is a proper case for the Governor of Porto Rico to appoint a special judge in

accordance with the provisions of an Act of the Congress of the United States, entitled—"An Act to provide for holding the District Court of the United States for Porto Rico during the absence from the Island of the United States District Judge and for the Trial of Cases in the event of the disqualification or of inability to act by the said judge,"—approved January 7, 1913;

Now, therefore, I, Arthur Yager, Governor of Porto Rico, in virtue of the authority in me vested by the Laws of Porto Rico and especially in virtue of the authority conferred upon me by the act above quoted, do hereby appoint the Hon. [illegible] del Toro, Associate Justice of the Supreme Court of Porto Rico, as special judge to entertain a petition of the defendants for an extension of time within which to file the Transcript of Record on appeal to the Supreme Court of the United States, and to make such orders as may be necessary in this connection pursuant to law.

Seal of Porto Rico.

In virtue whereof, I have hereunto set my hand and cause to be affixed the Seal of Porto Rico.

(Signed) ARTHUR YAGER,
Governor of Porto Rico.

349 In the District Court of the United States for Porto Rico.

(Filed August 31, 1914.)

Cr. No. —.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO et al.

In the Matter of Oath of Office of Honorable Emilio del Toro as Special Judge of the District Court of the United States for Porto Rico.

Oath of Office.

I, Emilio del Toro, having been appointed Special Judge of the District Court of the United States for the District of Porto Rico, do solemnly swear that I will administer justice without respect to persons, and do equal rights to the poor and to the rich, and that I will faithfully and impartially discharge and perform all duties incumbent on me as Special Judge of the District Court of the United States for Porto Rico, according to the best of my abilities and understanding, agreeable to the Constitution and Laws of the United States; and that I will support and defend the constitution of the United States against all enemies foreign and domestic; and that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation and purpose of eva-

sion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

(Signed) EMILIO DEL TORO.

Subscribed and sworn to before me this 31st day of August, 1914.

(Signed) ANTONIO AGUAYO,
Clerk U. S. District Court.

350 In the District Court of the United States for the District of Porto Rico.

Filed August 31, 1914.

No. —. Criminal. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO, ANDRES GRILLASCA, et al.

To the Hon. Emilio del Toro, Special Judge of the District Court of the United States for the District of Porto Rico.

Now comes the defendants in the above entitled cause by their Attorneys Travieso & Iriarte, and respectfully submit before you for your consideration the following petition, to wit:

That on the first day of September, 1914, expires the time granted to the defendants in the above entitled cause for the filing of the Transcript of Record in the Office of the Clerk of the United States Supreme Court in appeal made before the said Hon. Supreme Court of the United States in the above entitled cause.

That the defendants have not been able nor will be able to file the said Transcript on or before the said date inasmuch as the Stenographer of the United States District Court for the District of Porto Rico did not file in the office of the Clerk of the said Court the Transcript of Testimony which is a necessary part of the Transcript of Record and which must be forwarded along with the said Transcript of Record if same is to be filed in due form, for the reason that the said Stenographer is at the present time absent from the Island and will not return until after September 1, 1914.

351 Therefore, your petitioners pray that in order that thay may have their Transcript of Record filed in due form an extension of time for filing the said Transcript of Record in the office of the Clerk of the United States Supreme Court be granted until November 1, 1914.

(Signed) TRAVIESO & IRIARTE,
Attorneys for the Defendants.

352 In the District Court of the United States for the District of Porto Rico.

Filed August 31st, 1914.

Criminal. No. —. Conspiracy.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO et al.

Whereas, a petition has been filed in this office today praying for an extension of time for the filing of the Transcript of Record in the above entitled cause, in the office of the Secretary of the United States Supreme Court, until November 1, 1914, and

Whereas this Court considers the said Petition as reasonable, I am hereby granting that the time for the filing of the said Transcript as herein stated be extended until November 1, 1914.

San Juan, P. R., August 31, 1914.

(Signed) EMILIO DEL TORO,
[SEAL.] *Special Judge of the District Court of the United States for Porto Rico.*

353 In the District Court of the United States for Porto Rico.

Filed October 20, 1914.

#553. Cr.

THE UNITED STATES OF AMERICA, Plaintiff,
vs.
MANUEL CERECEDO et al.

Additional Præcipe.

To the Clerk of the above Court:

You will please prepare a transcript of the following papers, in the case of the United States vs. Manuel Cerecedo, et al., to be filed in the office of the Clerk of the Supreme Court of the United States, under the writ of error heretofore allowed to said Court:

Journal Entry	July 23, 1914
Certificate of U. S. Marshal of absence of Judge Filed	Aug. 28, 1914
Designation of Nomination of Emilio del Toro, Special Judge. Filed	Aug. 28, 1914
Oath of Office of Hon. Emilio del Toro. Filed	Aug. 31, 1914
Petition for extension of time to file Transcript of Record in Supreme Court. Filed	Aug. 31, 1914
Order granting until Nov. 1st, 1914, for filing transcript	Aug. 31, 1914
A Copy of this præcipe	Oct. 20, 1914

Respectfully,
(Signed) MARTINEZ & IRIARTE,
Attorneys for Defendants.

354 In the District Court of the United States for Porto Rico.

#553. Criminal.

THE UNITED STATES OF AMERICA
vs.
MANUEL CERECEDO et al.

Certificate.

I, Antonio Aguayo, Clerk of the District Court of the United States for Porto Rico, do hereby certify that the foregoing typewritten pages numbered 1 to 253 inclusive, to be a true and correct copy of certain proceedings in the above entitled cause, as called for by the præcipes filed by the counsel for the appellants, except the Writ of Error and Citation, which are originals and the Transcript of Record, said Transcript being certified to by the Official Stenographer of the Court.

In testimony whereof, I have hereunto set my hand and affixed the Seal of said Court, this 23rd day of October, A. D. 1914.

[Seal United States District Court for the District of Porto Rico.]

ANTONIO AGUAYO,
Clerk U. S. District Court for P. R.

355 In the Supreme Court of the United States, October Term, 1914.

No. 697.

MANUEL CERECEDO, ANDRES GRILLASCA, and CARLOS VALLE, Plaintiffs in Error,
v.
THE UNITED STATES.

Stipulation.

It is hereby stipulated by counsel for the parties to the above-entitled cause that the copy of the docket entries hereto attached certified by the Clerk of the District Court of the United States for the District of Porto Rico, showing that the defendants herein were duly arraigned on Dec. 6 and 9, 1913, and pleaded not guilty on December 15, 1913, shall be added to the transcript of the record in the case and be considered as a part thereof.

PAUL FULLER,
HOWARD THAYER KINGSBURY,
Counsel for Plaintiffs in Error.
JNO. W. DAVIS, *Solicitor General.*

May 21, 1915.

356 *Journal Entry of December 6th, 1913.*

In the District Court of the United States for Porto Rico.

#553. Criminal. Conspiracy.

UNITED STATES
vs.
MANUEL CERECEDO et al.

[Seal United States District Court for the District of Porto Rico.]

Comes the United States by its attorney, W. N. Landers and comes also Manuel Cerecedo, in his own proper person and by his attorney, Martin Travieso, Jr. Said Cerecedo upon being duly arraigned moves the Court to allow him time to plea- to the indictment read to him. The Court grants the motion and gives the defendant until Saturday, December 13th, 1913, and fixes the bail bond in the sum of $6,000, which bond is duly executed, presented and approved by the Court.

Journal Entry of December 6th, 1913.

#553. Criminal.

UNITED STATES
vs.
MANUEL CERECEDO et al.

Comes the United States by W. N. Landers, its attorney and comes also Andres Grillasca in his own proper person and by his attorney, Martin Travieso, Jr., said Andres Grillasca upon being duly arraigned moves the Court for time to plea- to the indictment read to him. The Court grants the motion and gives the defendant until Saturday, December 13, 1913, and fixes the amount of his bond in the sum of $6,000 which bond is duly executed, presented and approved.

357 *Journal Entry of December 9th, 1913.*

#553. Criminal. Conspiracy.

UNITED STATES
vs.
MANUEL CERECEDO et al.

[Seal United States District Court for the District of Porto Rico.]

The defendant Carlos Valle being brought before the Court, is duly arraigned and upon his motion through his attorney, Martin

Travieso, Jr., he is given until Saturday, December 13th, 1913, to plea- to the indictment herein. The Court fixes the amount of the bail bond in the sum of $6,000, which bond is duly executed, presented and approved by the Court.

Journal Entry of December 15, 1913.

#553. Criminal.

UNITED STATES
vs.
MANUEL CERECEDO et al.

The defendants Manuel Cerecedo, Carlos Valle and Andres Grillasca having been heretofore arraigned upon the indictment presented against them by the Grand Jury for conspiracy, this day said defendants in their own proper persons and their attorney, Martin Travieso, Jr., appear before the Court and each of the aforesaid defendants upon being asked what they had to say to the said indictment, each and all of them answered that they are not guilty in manner and form as therein charged. The cause is continued for further proceedings.

358 UNITED STATES OF AMERICA,
District of Porto Rico, ss:

I, Antonio Aguayo, Clerk of the District Court of the United States for Porto Rico do hereby certify that the foregoing are true and correct copies of Journal Entries in the case of the United States vs. Manuel Cerecedo, #553 Cr., of record in my office under dates of December 6th, 9th and 15th, 1913.

Witness my official signature and the Seal of said Court, at San Juan, in said District this 28th day of May, A. D. 1915, and in the 139th year of the Independence of the United States of America.

[Seal United States District Court for the District of Porto Rico.]

ANTONIO AGUAYO,
Clerk U. S. District Court.

359 [Endorsed:] 697/24441. No. 553 Cr. In the District Court of the United States for Porto Rico. United States vs. Manuel Cerecedo et al. Certified copies Journal Entries Dec. 6th, 9th, and 15th, 1913.

360 [Endorsed:] File No. 24,441. Supreme Court U. S., October term, 1914. Term No. 697. Manuel Cerecedo et al., Plffs in Error, vs. The United States. Stipulation of counsel and addition to record. Filed June 9, 1915.

1 In the District Court of the United States for Porto Rico.

No. 553. Criminal.

THE UNITED STATES
vs.
MANUEL CERECEDO, CARLOS VALLE, and ANDRES GRILLASCA.

Transcript of Testimony.

SAN JUAN, March 16, 1914.

FERNANDO J. GEIGEL, being called as a witness in behalf of th Government, was duly sworn and testified as follows:

Direct examination by W. N. Landers, U. S. Attorney:

Q. What is your name?
A. Fernando J. Geigel.
Q. What is your profession?
A. I am an attorney at law.
Q. What official position, if any, do you occupy in the city San Juan?
A. I am Municipal Judge.
Q. How long have you been such?
A. Over a year.
Q. In the municipality of San Juan?
A. Yes, sir.
Q. Were you Municipal Judge on the 16th day of Septembe 1913?
A. I was.
Q. State whether or not you issued a search warrant on that da to search the premises of one Manuel Cerecedo.
A. Yes, I issued a search warrant.
Q. And upon whose affidavit was that search warrant predicated
A. I know that anffidavit was presented to me in order t
2 obtain the search warrant.
Q. By whom?
A. I think it was by the chief of the bureau of information, b Mr. St. Elmo.
Q. And upon the affidavit you issued a search warrant?
A. Yes, sir.
Q. I show you a document here (handing a paper to the witness) Please examine it and state what it is.
A. This is the affidavit.
Q. What is it?
A. The affidavit given to me by Walter St. Elmo to obtain th search warrant.
Q. (The witness is asked to repeat his answer because some of th jury did not hear him).
A. This is the affidavit by which was obtained from me the orde to search the house of Mr. Cerecedo, and this is the order.

Q. That is the reach warrant?
A. A search warrant; we call it the order.
Q. Which was signed by the chief of the bureau of information?
A. Yes, sir.
Q. These were issued by you as Municipal Judge?
A. Yes, sir.
Q. Under the authority conferred upon you by law?
A. Yes, sir.
Q. State whether or not there was any other process issued against the defendant Manuel Cerecedo at that time.
A. At the same time that the search warrant was issued there was also some evidence in regard to the same matter of having lottery tickets here and a complaint was filed.
Q. (The witness is requested by the Court to repeat his last
3 answer).
A. At the same time that the search warrant was requested from me, I had besides the affidavits some more evidence in regard to the same matter. A complaint was filed before me in my court.
Q. Charging what?
A. Charging Manuel Cerecedo with the crime of selling lottery tickets, which is in our code, and I issued according to that complaint an order of arrest against him and that order of arrest was issued. I remember, as I recollect, on the very same day that the search warrant was issued, that is, on the 16th day of September.
Q. It was issued on the 16th day of September?
A. Yes, sir.

Mr. Landers: I offer this in evidence if Your Honor please.

Q. What is this book (referring to a book which the witness has in his hand)?
A. This is the docket of the municipal court.

Mr. Landers: I offer the affidavit upon which the search warrant was issued.

Mr. Travieso: I object to the whole testimony of Mr. Geigel at this time upon the ground that no evidence has been introduced so far to establish the main fact of this accusation, of this case, which is a conspiracy. Before the District Attorney introduces any evidence as to any search made on the premises of the defendant or proves any act executed or carried out by the defendant, he must establish first the main fact tending to establish the existence
4 of a conspiracy, which is the gist of the complaint in this case.
Mr. Landers: The proposition of law is this; before I can introduce evidence of a given conspiracy or an accomplice I must show by extraneous evidence that there has been a conspiracy formed. I am not trying to prove at this time that there has been a conspiracy fromed at all. I am leading up to certain facts here in San Juan. I will prove before I introduce any evidence of a conspirator or accomplice, that a conspiracy was formed, and all the authorities hold that the manner in which the evidence is produced is within the sound discretion of the Court and Your Honor may allow the prosecuting attorney to introduce the evidence in any way he

sees fit so long as he will guarantee to connect it up; otherwise it w
be inadmissible and will be taken from the jury. Now all I am t
ing to prove is that a certain search was made of certain premises a
that certain things were found. I don't have to prove by dir
evidence that a conspiracy was formed. That is practically imp
sible. We are going to prove it by facts, circumstances, letters, te
grams and things of that character.

The Court: The objection is overruled. If it is not connected
of course, I will entertain the motion. I do not know at this tin
I cannot tell at this time.

Mr. Travieso: Note an exception.

5 Mr. Landers: Do you object to the introduction of t
affidavit?

Mr. Travieso: We make no objection to the introduction of
affidavit of Mr. St. Elmo upon which the search warrant was issu

The affidavit in question was then placed in evidence and mark
Exhibit A for the Government.

Mr. Landers: I offer the search warrant in evidence.

Mr. Travieso: I object, however, to the admission of the sear
warrant on the ground that the said search warrant is incomplete.
does not show upon whose affidavit the warrant is issued. It sa
"Whereas on this day the 16th of September, 1913, at six o'clock a.
the insular policeman No. — of this city of San Juan, has made
sworn declaration." Now Mr. St. Elmo is not an insular policem
and the number of the policeman that made the affidavit is in blan
and therefore the affidavit appears to be issued without the swo
affidavit of witnesses and therefore it is illegal and void.

Mr. Landers: It does not make any difference whether this was
illegal or a legal warrant. Their day in court was before the mun
ipal court as to this search warrant.

The Court: The affidavit, as I understand, is admitted witho
objection.

Mr. Travieso: Yes, sir.

The Court: The search warrant which is based upon it is object
to.

6 Mr. Landers: Yes.

The Court: What is the object of the search warrant, M
District Attorney? The point that the Court has in mind is that th
is an indictment for conspiracy, and conspiracy, as held in 7 Cowa
in the large majority of cases, almost all cases, must be determined
circumstantial evidence, and so I am assuming that this is one of t
elements, I cannot tell yet, upon which you wish to rely to prove t
conspiracy.

Mr. Landers: In pursuance of this search warrant, a search w
made of the premises of this defendant and a large number of doc
ments were found.

Mr. Travieso: Don't state that in the presence of the jury.

The Court: You expect to produce certain documents that we
obtained by this search warrant?

Mr. Landers: Yes, sir.

Mr. Travieso: My objection to this search warrant is made as

basis for the opposition that I will make in time to the introduction of any document except lottery tickets, that were taken possession of by Mr. St. Elmo and later I will present the grounds for my objection whenever any of those documents is offered.

The Court: The objection is made as a collateral attack upon a paper which is the basis of judicial action in another court and will not be sustained. The objection is overruled.

Mr. Travieso: Note an exception.

The Court: Of course always with the understanding that it
7 is connected up.

The search warrant in question was then placed in evidence and marked: Exhibit B for the Government.

The affidavit and search warrant, Exhibits A and B for the Government, were then read to the jury by the District Attorney.

Q. You say there was a warrant of arrest issued in addition to these two?

A. Yes, in addition to that.

Q. On a complaint for conducting lottery business or what?

A. In my court before the party makes the complaint there is a little evidence in order to see whether I shall admit the complaint or not.

Q. There was a complaint filed?

A. Yes.

Q. Charging him with the sale of lottery tickets?

A. Yes.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. Is it not a fact, Mr. Geigel, that you ordered the arrest of Mr. Cerecedo after the premises were searched and all these documents were taken from his possession?

A. No, sir; the order of arrest was already made. He was arrested that same morning but the order was made before. During the search it was executed.

Q. Is it not a fact that if you had not taken those documents from him you would not have arrested him?

A. No, the order was already made.

Q. But not executed.

A. It was six o'clock in the morning when I signed the
8 search warrant.

Q. You entered with Mr. St. Elmo the premises of Mr. Cerecedo, did you not?

A. At six o'clock in the morning.

Q. For what purpose?

A. For the purpose of looking after the search; how the search was to be made.

Q. Looking after the search?

A. Yes.

Q. Then you went first to make the search of his premises?

A. No, I was not there to make a search.

Q. Well, to oversee the search or to see that it was done according to your orders.

A. Yes.

Q. And it was done in your presence, was it not?

A. Yes.

Q. And after the search was made and completed according to your orders, then Mr. Cerecedo was arrested, was he not?

A. No, sir; he was arrested right at the beginning. We were there about six o'clock or half past and he was upstairs dressing. He was sleeping I think and there was down below Mr. St. Elmo with the order of arrest in his pocket and about half past eight o'clock in the morning when he came down to the store, the police officer, Mr. St. Elmo, who had the order of arrest, arrested him there and at that same place he put up a bond for his provisional liberty, and the search was still going on. It lasted until three o'clock in the afternoon.

Q. So the premises were searched before the arrest.

A. But it had nothing to do with the arrest.

Q. So that when Mr. Cerecedo was arrested the search was going on.

9 A. Yes.

Q. So it was started before Mr. Cerecedo was arrested.

A. No, I think we waited down below until he came down because he was not there when we got into the house.

Q. Is it not a fact that some of the detectives under Mr. St. Elmo's orders went up stairs to search the upper story?

A. I don't know whether they went up to search or whether they went to see that nobody got out.

Q. But they did go up stairs?

A. They did go up stairs.

Q. What papers were taken out of Mr. Cerecedo's store?

Mr. Landers: That is objected to as not proper cross-examination.

Mr. Travieso: This witness has testified as to the search. I think I am entitled to know what was done according to his orders.

Mr. Landers: This witness was called to identify two documents and it was brought out on cross-examination by Mr. Travieso that he went there. This is not proper cross-examination.

Mr. Travieso: In the search warrant introduced by the District Attorney, and as to which I am examining the judge, there is a paragraph that says: "The above warrant is issued for the purposes herein set forth only, and return thereof made within ten days from date." Now the order recites that it is issued for the purpose of searching the house to obtain lottery tickets. I want to know whether anything else besides lottery tickets were taken from

10 Mr. Cerecedo, because I will claim that anything in excess of that constitutes an abuse of the warrant and of the process of the court.

Mr. Landers: The only capacity the judge had there was the issuance of the warrant. The police officer executed it. These defend-

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ants had the right, if anything had been taken in that warrant which was illegally taken, to appear before the municipal judge and attack it there. It is not for him to come in here and testify as to what was done. He did not serve the warrant. The police officer served the warrant. It is directed to a police officer.

The Court: The objection is sustained. It seems to me that this is going beyond the proper cross-examination.

Mr. Travieso: Note an exception.

That is all.

Witness withdraws.

11 WALTER M. ST. ELMO, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Mr. Travieso: Before Mr. St. Elmo's testimony is given, to lay the foundation for the future objections that I will have to make to any evidence that was taken away from the defendant, I will state to the Court that before we entered into this trial I handed the District Attorney a written request, signed by me on behalf of Mr. Cerecedo, one of the defendants in this case, requesting the District Attorney to deliver to me as such attorney any and all papers in his possession belonging to the said Manuel Cerecedo and which were taken from his house or establishment by one Walter M. St. Elmo, a detective, under and by virtue of a search warrant issued by the municipal court of San Juan on or about the 16th day of September, 1913. That request was handed to the District Attorney by me personally and I would like to know at this time whether the District Attorney is willing to comply with my written request or refuses to deliver those documents. I want my request to appear now in the record and also the answer of the District Attorney.

Mr. Landers: If Your Honor pleases, I am not required to make any answer to any proceeding filed with me by the attorney 2 for the defendants, which is not filed in court and I decline to answer. Had he filed a proceeding in court in a regular manner, then I should have made a return, but I am not required so far as this proceeding goes, to make any return to his application and decline to do so.

Mr. Travieso: When the time comes for the defendants to introduce their evidence, I will offer a copy, and, if necessary, my sworn testimony as to the delivery of this document to the District Attorney. I don't believe there is any formal proceeding to be followed except a request made to the District Attorney before trial to deliver the documents, and, if he refuses to do so, the law is complied with.

The Court: Is there any action desired of the Court?

Mr. Travieso: I simply want that to appear on the record, that I made a request for the return of these documents. I don't believe that the Court can take any action.

Mr. Landers: I object to it as improper and ask that it be stricken and the jury be instructed not to regard it. If he desires to have any action taken in this court in this case, let him file the proper paper and I will make the proper return.

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Mr. Travieso: I am following the proceedings in this case which were followed in the case of the United States v. Weeks, which was recently decided by the Supreme Court of the United States,
13 and the purpose of this demand is merely to show that the defendant requested the delivery of those documents that are his property and that cannot be taken from him by any search warrant issued by any court of the United States or under the protection of the Constitution of the United States.

Mr. Landers: There is nothing before Your Honor at this time. There is no motion here and no petition before Your Honor.

The Court: You made one, that this be stricken from the record as to his statement before the jury and that the jury be instructed to disregard that. Counsel for the defense rises and states to the Court that he has served a certain paper upon the District Attorney, holding a carbon copy of it in his hand. The District Attorney declines to admit or deny or anything else. After that the District Attorney moves to have the action of the counsel for the defense stricken from the record as not pertaining to this trial. That, I understand, is what is wanted.

Mr. Landers: Yes, Your Honor.

The Court: I will be glad to hear from you, Mr. Travieso, as to how that is germane to this trial.

Mr. Travieso: This request is made by me, not for the purpose of having Your Honor take any action, but to lay the foundation, because I shall object to the admission of any document which was taken by Mr. St. Elmo, other than the lottery tickets, and ask
14 at that time that the document be delivered to me as being the property of Mr. Cerecedo illegally taken from his possession. Now to lay the foundation for that objection, I simply want the record to show that I made a previous request from the District Attorney and that he refused to comply with it. That is the only purpose and I am not asking for any order from Your Honor at this time.

The Court: It seems to me that that would come up better when some particular document is offered. I overrule your motion. The fact that this was done; I am not disposed to keep that from the jury that this request was made.

Mr. Landers: Note an exception.

Direct examination by Mr. Landers:

Q. What is your name?
A. Walter M. St. Elmo.
Q. What is your official position?
A. Chief of the bureau of information.
Q. How long have you been such?
A. Over three years.
Q. At San Juan, Porto Rico?
A. Yes, sir.
Q. Are you acquainted with the defendant Manuel Cerecedo?
A. Yes, sir.
Q. How long have you known him?

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A. Around three years.

Q. State whether or not you searched his premises on or about the 16th day of September, 1913?

A. I did search it on the 16th day of September, 1913.

Q. State who was with you.

A. The municipal judge, Mr. Geigel, and several of my detectives.

Q. Under and by virtue of what authority did you search his house?

A. By virtue of a search warrant which had been issued to me by the municipal judge of San Juan.

Q. Examine those two documents and state whether or not you have ever seen them before (handing the witness Exhibits A and B for the Government.)

A. Yes, sir; those are the information and the search warrant.

Q. And it was upon the authority of this search warrant that you made the seach?

A. Yes, sir.

Q. State what you did, Mr. St. Elmo.

A. In proceeding with the search, when I entered Mr. Cerecedo's house he was not present but a few minutes later he came down from his apartments which are over the store. I also served as soon as he showed up on the scene, an order of arrest on him and then began the search of his premises and found hidden in a drawer of a small desk that he had in his office, some lottery tickets. I found under a letter press in his office one hundred and twenty-three lottery tickets, and in searching his desk I found a small note book and one book that we would call a ledger, that had a red back. The book contains accounts of lottery tickets. And I proceeded up stairs and searched the living rooms and in a compartment of a washstand which was found by lifting out the water container and also a board, under that I found eight hundred and forty-eight lottery tickets, a contract, a lot of letters dated in Santo Domingo and signed, some by Jacinto and others by Jacinto Y. Mañon, and addressed, my esteemed friend. I found also three lists.

Mr. Travieso: I wish that the witness would not state what the letters said.

Mr. Landers: I don't see how he can otherwise identify them.

The Court: The Court thinks that is the correct rule. A detective searches a house and finds certain things. However, those things to be evidence at all against the defendant, must be produced and identified as the ones that were found by the detective on that occasion. Unless the letters are shown him he cannot identify them and cannot state the contents of them. The objection is sustained.

Mr. Landers: Very well.

Q. Mr. St. Elmo, examine this document and state whether or not you have ever seen it before, and, if so, where and under what circumstances have you ever seen it before?

A. Yes, sir.

Q. Where?

A. These are the documents that I found in the compartment o his washstand.

Q. Whose washstand?

A. Mr. Manuel Cerecedo's.

Q. Under the water container?

A. Under the water container.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I object to the admission of this letter in evidenc as being a letter taken from the possession of the defendan
17 by the witness Mr. St. Elmo, a detective, under a search war rant which authorized him only, as stated in the warrant, t take possession of such lottery tickets as might be found in the pos session of Mr. Cerecedo or in his premises. I object to the admissio of this document because the act of taking possession of it under th circumstances stated by the witness constituted a violation of th Constitutional rights of the defendants as guaranteed to them by th fourth and fifth amendment- of the Constitution of the United States And I object to the evidence as inadmissible against the defendan because the admission of it would be equivalent to compelling th defendant to be a witness against himself. And on the ground als that the taking possession of this letter, under the circumstance stated, constituted an abuse of the process of the court. I am ready to show Your Honor authorities to this effect.

The Court: I would be very glad to have the point discussed The objection is made to the introduction of this evidence becaus it is a violation of his Constitutional rights, and on other grounds.

(The jury is asked to withdraw from the court room during th discussion.)

The letter in question is marked: C for the Government for iden tification.

Mr. Travieso: The evidence before Your Honor up to thi
18 time is an application or an affidavit made by Mr. St. Elmo before the municipal judge wherein he applies to the mu nicipal judge for a search warrant to search the premises of Mr Cerecedo for the purpose of taking possession of lottery tickets which the affiant alleges are in the possession of Cerecedo on his person or in his house.

The Court: The affidavit relates to lottery tickets and recites that the said search warrant is asked for for the sole purpose of confiscat ing said lottery tickets. And the order of the judge is that the search warrant issue so that a search may be made at any hour of the day or night either in the house or in the person of said Manuel Cere cedo, or to whomsoever he may have delivered said tickets for the purpose of concealing them or preventing their detection, and pro ceed to arrest the person or persons in whose possession said tickets may be found, seizing them and making delivery thereof to the municipal court of San Juan.

Your point is that whatever may be the correctness of the pro cedure so far as relates to lottery tickets, it does not relate to any thing else. You concede that the lottery tickets are properly seized?

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Mr. Travieso: Certainly. For the purposes of this argument I am willing to admit that the municipal court had a right to issue
19 the search warrant and deliver it to Mr. St. Elmo and authorize him to enter the premises of Mr. Cerecedo and seize the lottery tickets, but as soon as Mr. St. Elmo went ahead and took not only lottery tickets but letters and note books and ledgers and everything that he has said in his testimony that he took possession of, Mr. St. Elmo committed an abuse of the process of the court, and that is my point. Now any evidence that Mr. St. Elmo took in excess of his authority, that he took away from the defendant without his consent, is a violation of the Constitutional right of the defendant to be protected against unreasonable searches, and I submit to Your Honor that a search that goes beyond the limit of the warrant authorizing it is an unreasonable search and this search made by Mr. St. Elmo for the purpose of getting evidence to be produced against the defendant is a violation of his Constitutional rights, and such evidence is inadmissible in any court against a defendant to convict him of any crime.

The Court: I would be glad if you would refer me to some case that expressly says that those two amendments, or the bill of rights, are applicable to Porto Rico. I feel that they must be, but at the same time the Supreme Court has held in the case of Hawaii v. Mankichi, 190 U. S. 197, that the Constitution is in force in Hawaii only
20 so far as it is introduced by an Act of Congress; that the Constitution in all its parts is not in force in Hawaii and I would be glad if you would show me in the course of your argument how far it is applicable here.

Mr. Travieso: I don't believe there is any case holding that the Constitution applies to Porto Rico, specifically. If it was legal in Porto Rico to submit a man to an unreasonable search or to have his private papers seized to be used in evidence, thus compelling him to be a witness against himself, we might say that the Constitution not only did not follow the flag, but the flag where it went forgot that there was a Constitution in the United States. Now I think that these foundations of personal liberty such as not to be deprived of life, liberty or property without due process and not being compelled to be a witness against himself and that every man is presumed to be innocent until he is shown to be guilty, there is no Act of Congress necessary to prove that those principles are applicable to Porto Rico.

The Court: Then it is a matter that must be determined by this Court at this time.

Mr. Travieso: It must be determined by this Court at this time, and, believing that Your Honor will so hold, and in order to help Your Honor to decide the question, I cite the case of Boyd v. The United States, 116 U. S. 616, with which Your Honor is no doubt familiar.

(Court adjourned at this time until March 17, 1914.)

21 March 17, 1914.

The Court: At the close of the day yesterday, a motion was made or rather, certain testimony was offered, some paper, I do not know that the nature of it was stated, but a paper which was secured on the search of the premises of the defendants or one of the defendants, Cerecedo, and the defendant objected to its going in evidence and the matter was argued and the Court held it up for decision I would like to pass upon the point now. It is a rather important one. The exact question is this, it really does not affect the jury but there is no reason why they should not hear it. There was a search warrant issued to find lottery tickets. That was executed and in the course of the search lottery tickets are said to have been found. The testimony is that lottery tickets were found, and also some other matter, papers of different sorts, and one of these is now sought to be introduced and that is what the objection is to. That brings up several questions and the Court has examined them with a great deal of interest after the full argument that was had. The objection is made that these are not relevant because of the fourth and fifth amendments to the United States Constitution. The fourth forbids unreasonable search. It is just as well to read the text Amendment IV. "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches
22 and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." The V Amendment so far as related to this case is: "Nor shall any person be compelled in any criminal case to be a witness against himself." The fourth amendment applies to searches and the fifth to being a witness. The Supreme Court has held that being a witness covers the use of papers that are found; that if a person's papers are taken and used against him it is in effect making him be a witness against himself. The first question that would have to be settled would be this. Do these amendments apply to Porto Rico? It is a very interesting question. Porto Rico for many purposes under the Porto Rican Act is treated as a State, and yet of course technically it is not a State. Technically it is perhaps what would be called an unincorporated territory, and the question is, do these amendments apply to Porto Rico? This seems to be settled by the case of Hawaii v. Mankichi, 190 U. S. 197, by a divided court. The decision of the court is that the Constitution of the United States may be extended to possessions of the United States outside the mainland by an Act of Congress. The dissenting opinions point out that this is a strange situation that
the Congress of the United States, which is created by the
23 Constitution itself, shall have the power of extending or not extending the Constitution to other places, but it is the decision of the majority and is law. And the Court went on to hold that the Constitution was extended by the Organic Act of Hawaii to Hawaii so far as not locally inapplicable. For instance, the question in that case was as to grand juries. It held that that was not

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immediately applicable, and, under that decision, this Court will hold that these two amendments do apply to Porto Rico. There are two of the first seven or eight amendments which were added immediately after the adoption of the Constitution of the United States as a bill of rights to protect the people against action largely of the Federal authorities, and they are spoken of as the bill of rights of the United States. And it would be a decision which this Court would never make, that a Territory can be annexed to the United States and the bill of rights itself not apply. That would be abhorrent to every idea of our civilization. The United States does not acquire territory except to make people equally free with Americans themselves. Of course the method of exercising some of those privileges is a matter for the political government and not for this court. But so far as the bill of rights is concerned, this Court holds that it does apply and that these two amendments apply.

There is another question, however, do these amendments
24 in applying to Porto Rico apply to Spaniards? If I understand correctly, the defendants or at least one of them is a Spaniard. It is perfectly true that all the privileges of citizens are not extended to foreigners. The Treaty of Paris throws light upon the manner in which Porto Rico was annexed. Art. 11 is: "The Spaniards residing in the territories over which Spain by this treaty cedes or relinquishes her sovereignty shall be subject in matters civil as well as criminal to the jurisdiction of the courts of the country wherein they reside, pursuant to the ordinary laws governing the same; and they shall have the right to appear before such courts, and to pursue the same course as citizens of the country to which the courts belong." The Court will hold that under that Article, Spaniards have the same rights so far as relates to the bill of rights, these two sections, that apply to Americans. Supposing that is settled, the main question in the case is this. Does the act by which these papers were acquired violate the fourth and fifth amendments to the Constitution under the circumstances of this particular case? It is a question not without difficulty and possibly I had better take up several elements of it in succession. It has been held by the Supreme Court of the United States in a number
of cases, Adams v. New York, 192 U. S. 585, for instance,
25 and the same thing has been elaborated in 136 American State Reports, p. 129, that a court will not stop a trial in order to hear a collateral issue. That evidence that is brought before it, a paper that is brought before it, which is germane to the issue, will be admitted regardless of how it is obtained. In other words, it is not where the paper comes from but the nature of the paper itself which determines its admissibility. That has been the law for a long time. The effect of a recent decision, however, is to be considered. In Weeks v. The United States, just decided last month, Feb. 24th, it is contended a different principle is announced. It is contended that it modifies the preceding cases, the Adams case and others. The Weeks case is from Kansas City and related to the seizure of lottery material. There in the district court before the case was called for trial, the defendant filed a petition setting up

that papers had been seized illegally and asking their return. The court granted that as to certain matters. As to some papers that were going to be used on the trial, that were germane to the trial, it refused the petition, but as to all other papers it granted the petition. The case went to the Supreme Court of the United States and that court declared that the court below erred; that all papers should have been returned; that they were obtained by an unlawful
26 seizure, there being no search warrant in that case, the police simply exercising their right or their privilege at all events of taking papers, and that all papers should be returned, and that, as I understand, is what the defendant relies upon in this case. The case of Boyd v. The United States, 116 U. S. 616, throws considerable light upon the question. That was decided by Mr. Justice Bradley, one of the most eminent Judges ever on the Supreme Court bench, and he goes into the origin of these two amendments and traces them back to the days of Lord Camden in the case of Entick v. Carrington, etc., 19 Howell's State Trials, 1029, English of course, where it was decided that there could be no such search; that a man's house is his castle. And the Supreme Court, through Justice Bradley, declares that that principle is adopted into the bill of rights in amendments four and five. There is no question about that. There is no question as to the meaning of the fourth and fifth amendments. The only question is as to how and when to carry out the right in question. The defendant in this case concedes that so far as lottery tickets, for instance, are mentioned in the affidavit for the search warrant and the search warrant, the police were within their powers in seizing those particular papers, and the motion at present made has no relation to this at all. The objection relates to papers which were not named in the affidavit and were not named in the search warrant, and the point is
27 that as to those particular papers, the police were without any jurisdiction at all; that they were not protected by a search warrant; that it was the same as if they had gone there without a search warrant. I am not using the words of the argument, but I think that is the point. In the view the Court takes of it, it is unnecessary to determine that particular point. It is to my mind a question of procedure and not of constitutional right in this particular case. Any matter has to be brought up in some orderly manner, and the Court thinks that the principles heretofore declared would control this case. It is true that the Court has control over the District Attorney, and, upon proper procedure, whatever that might be, served upon the District Attorney or the Marshal or any other officer, the Court would have the power to direct that the papers be returned. That seems to be decided also in Wise v. Henkel, 220 U. S. 556, but this is not that case. There is no petition filed in this court addressed to the Judge for any purpose, either during the trial of the case or before the trial of the case. And the Court therefore feels without power to take any action in the premises. If a petition had been filed in this court before this case was called, asking that the District Attorney be directed to turn over certain papers, that would present a case analogous to

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the Weeks case. Of course the Court does not undertake to
28 say whether it would or would not grant it, but all that is done in this case is that a statement is made that a demand has been made upon the District Attorney and the District Attorney says that he is not called upon to answer it and does not answer it one way or the other. The proper procedure is for some action of the court to be taken before the trial of the case. Otherwise it amounts to interrupting the orderly conduct of one case in order to try a collateral issue, the same principle which has been spoken of in several cases already mentioned. For these reasons, therefore, the objection is overruled.

Mr. Travieso: Note my exception.

Mr. Landers: Now I offer this document in evidence.

Mr. Travieso: For the purposes of the record in this case, I now move the Court for an order directing the United States District Attorney to deliver to me the document that he now offers in evidence and any other document of a private character that was taken possession of by Mr. St. Elmo by virtue of the search warrant at the house of the defendant Cerecedo. I make that formal motion so as to have it in the record that we have made a motion for the return of the papers. The motion was not made before because counsel considered that it was necessary first to make a demand upon the District Attorney for the return of the papers, and his failure
29 to do so is equivalent to a denial of the right to have these papers returned. And now at the time when they are offered in evidence I ask the Court to direct the District Attorney to hand them over to me as attorney for the defendant.

The Court: The motion is overruled for the reasons already given, and in overruling it the Court wishes to say that it would have been very glad to entertain this motion in the shape of a petition and would have been very glad to inspect it and hear it at any other time than on the trial of the case.

Mr. Travieso: Note an exception.

Mr. Landers: This does not concern the jury at all.

The Court: This, gentlemen, is a very interesting discussion but does not affect you one way or the other.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence, marked: Exhibit C for the Government, and read to the jury by the District Attorney.

Q. Where did you find this document?

A. Hidden along with the lottery tickets in the same compartment of the washstand in Mr. Cerecedo's sleeping room.

Q. In his sleeping apartment?

A. Yes, sir.

Q. Under the washstand?

A. Yes, sir.

Q. What else was with it?

A. There were 840 lottery tickets, some envelopes and sev-
30 eral books and a number of other letters like that.

Q. You found how many tickets you say with this contract?

IN CENTER

A. There were 848.

Q. State whether or not this is the package you found (showin the witness a package of lottery tickets).

A. These are the rest of the tickets.

Q. Those are the rest of the tickets you found with the contract

A. Yes, sir; and that package lying on the table.

Q. This package (exhibiting a package to the witness)?

A. The whole lot of them.

Q. State what these purport to be, if you know.

A. Those tickets were marked in envelopes in a secret compar ment of his washstand in his sleeping room and on the envelop were marked certain sums to represent certain values. I compare the tickets with the lists that were found there and it appears th these tickets had drawn prizes: $1,700,800, or 170 tickets and 8/1 which had drawn prizes.

Q. What are those?

A. Those are the envelopes that the tickets were in.

Mr. Landers: Now I offer the package of tickets in evidence.

The Court: Any objection?

Mr. Travieso: I object to the admission of these so-called ticke because they are nothing but mutilated papers, which neither th jury nor the Court nor the attorney for the defendant will be ab to tell whether they are lottery tickets or not. They seem to be a l of papers with holes in them and not a complete document th will enable the defendant either to admit or to deny th

31 they are lottery tickets.

Mr. Landers: I will clear that up in a minute.

Q. What are those, Mr. St. Elmo?

A. Those are lottery tickets that were found in Mr. Cerecedo washstand on September 16th.

Q. Who mutilated those tickets?

A. I did.

Q. What did you cut out of them?

A. The numbers.

Q. The balance of the ticket is intact?

A. Yes, sir.

Q. Does it show in which lottery it is a ticket?

A. That is shown on the ticket itself.

Mr. Landers: If I presented before Your Honor a piece of pape which was all chewed up, it would be for Your Honor to say whethe it was a lottery ticket or not. It is a matter of proof if it does n appear from its own face.

The Court: Does the witness testify that he made these cance lations?

Mr. Landers: Yes, sir; that he cut those numbers out himself.

Mr. Travieso: If a defendant is charged with the importation sale of lottery tickets, he certainly is entitled to have the jury s the evidence in full without being mutilated by a witness. Now th fact that Mr. St. Elmo testifies that he made those holes does n prove that these were lottery tickets before Mr. St. Elmo made tho

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holes. Now my objection is that the evidence is incomplete
32 and we are not able to deny or to admit that they are lottery tickets, so I renew my objection, and my opnion is that the Court should not admit these papers until they are proven in some other way to be lottery tickets. There may have been a blank just where those holes were made and they may not be lottery tickets and they do not prove anything against the defendant.

Mr. Landers: Suppose we never recovered any tickets, but there were persons present who saw those tickets. I ask Your Honor, is not the testimony of those witnesses competent to prove it? They show themselves what they are. They show that they are tickets in the lottery of the Manicomio Padre Ballini. Now the witness testifies that those tickets were whole; that all that he did was to cut out the numbers. I claim that his evidence is competent to go before this jury to show that he found these tickets there in the house of the defendant.

Mr. Travieso: All we have now before the Court is the testimony of Mr. St. Elmo that he went into Mr. Cerecedo's house and found a lot of papers and he started on his own authority without the command of anybody to puncture the papers and he says those holes were made by me. Now is that evidence that these are lottery tickets; that they are authentic; that they are genuine? That a ticket like this, if it had not been punctured, would be paid by the
33 lottery in Santo Domingo? Is this a forged document or is it genuine? Until this is identified like any other document I object to its admission against my client.

The COURT: The objection is overruled.

Mr. Travieso: I will note my exception.

The COURT: The Court does not pass on whether it is a lottery ticket or whether it is not a lottery ticket but lets it in for whatever it is worth.

The package of tickets in question was then placed in evidence and marked: Exhibit D for the Government.

Mr. Landers: Now I offer in evidence these prize tickets which are whole tickets and fractions thereof which were found in the same place in these envelopes.

Mr. Travieso: I make the same objection. Although these supposed tickets have numbers, there is no evidence that they are the real thing.

Mr. Landers: I will produce proof that they are the real thing before we get through.

Mr. Travieso: I object to their admission before proper identification.

The Court: The objection is overruled.

Mr. Travieso: Note an exception.

Q. Were the lists found at this time at this place too?

A. Yes.

Q. And these are the lists?

A. Yes.

34 Q. And the envelopes too?

A. Yes.

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Mr. Landers: I offer the envelopes too.

Mr. Travieso: I have no objection for what they are worth. T don't prove that the contents were lottery tickets.

Mr. Landers: Well, we will get to that later.

The prize tickets, lists and envelopes were then placed in evid and marked: Exhibit E for the Government.

Q. Examine this letter, Mr. St. Elmo, and state whether or you have ever seen it before and where and when and under what cumstances.

Q. Yes, sir; this is a letter that I found during that searc Mr. Cerecedo's premises hidden in the washstand.

Mr. Landers: I offer it in evidence. I also offer the endorsem on the back of it in addition to the contents of the letter.

The Court: Is the endorsement translated also?

Mr. Landers: I will have it translated. It is about two line

Mr. Travieso: If Your Honor please, I object to the admissio this evidence upon the same grounds of my objection to the ad sion of the contract already admitted by the Court; upon the gen ground that this letter was illegally taken from the possession of defendant by abusing the process of the municipal court w issued the search warrant, and at this time I make the same mo to the Court that the evidence be excluded and that the
35 trict Attorney be directed to hand this paper over to me a torney for the defendant. I also object to the admissio this letter until the signatures to the letter are properly identifie

The Court: As I understand it, the witness says that he found letter on that occasion.

Mr. Landers: Yes, sir; at that place with these tickets which h been admitted in evidence.

The Court: The objection is overruled and the paper is admit

Mr. Travieso. I will take an exception.

The Court: The exception is granted.

Mr. Travieso: There is a further objection. This letter is addressed to any of the defendants in this case; does not refer to of them, and I further object upon that ground to its admissi that it is irrelevant and does not refer to any of the defendant this case and does not connect them in any way with this cas

Mr. Landers: It is true that it does not mention any of the fendants, but it was found in his possession and there was a se understanding that he was to go under that name and that it is r fied by subsequent letters and that everything mentioned in that ter was done by Manuel Cerecedo. If we don't connect it up course, it is subject to be stricken out from the record.

The Court: It is admitted subject to being struck ou
36 it is not connected.

Mr. Travieso: Note an exception.

The letter in question was then placed in evidence and mark Exhibit F for the Government.

Q. State whether or not you have ever seen that letter before

where, when and under what circumstances (handing another paper to the witness).

A. This also is a letter that I found in Mr. Cerecedo's washstand along with those tickets recently introduced.

Q. And what is that (referring to another paper attached to the letter)?

A. It was attached to this letter at the time it was found.

Mr. Landers: I offer it in evidence, if Your Honor please, both the letter and the enclosure.

Mr. Travieso: If Your Honor please, I make the same objection to the admission of these documents offered in evidence for having been illegally taken from the possession of the defendant in the manner stated in the former objections, and I renew my motion to the Court to direct the District Attorney to return these papers to the defendant.

Mr. Landers: I also offer the endorsement on the back of that letter too, if Your Honor please.

The Court: The same order. The papers are admitted.

Mr. Travieso: Note an exception.

The letter in question was then placed in evidence and marked: Exhibit G for the Government, and was read to the jury by the District Attorney.

Q. This was found in the letter (referring to the enclosure)?

37 A. Yes, sir; attached to it.

Q. Please examine this letter and state where you found it, (handing another paper to the witness).

A. This letetr I found under the same circumstances as the former two in Mr. Cerecedo's house hidden in the washstand along with the tickets.

Mr. Landers: I offer this letter in evidence, together with the endorsement on the back thereof.

The Court: Is there any objection?

Mr. Travieso: I make the same objection to the admission of the letter by reason of the illegal manner in which it was taken from the defendant. I renew my request to the Court for an order directed to the District Attorney to return this paper to the defendant. I object to its admission upon the further ground that this letter is not addressed to any of the defendants in this case nor does it in any way refer to any of the defendants or to the importation or sale of lottery tickets, and, being irrelevant and immaterial, it should not be admitted.

The Court: The same order.

Mr. Travieso: Note my exception.

The letter in question was then placed in evidence and marked: Exhibit H for the Government, and was read to the jury by the District Attorney.

Q. Examine that letter and state where and under what circumstances you found it, (handing another paper to the witness).

A. This letter I found under the same circumstances as the
38 other three that were introduced, in Mr. Cerecedo's washstand along with those tickets that were recently introduced.

Mr. Landers: I offer the letter dated July 18th, Santo Domingo, with its endorsement on the back.

The Court: Any objection?

Mr. Travieso: I make the same objection to the admissibility of this evidence upon the same grounds as stated in reference to all documents previously offered in this case, by reason of the illegal manner in which it was taken from the defendant. I also make the same request to the Court for the return of this paper to the defendant and renew my objection on the ground of irrelevancy of the evidence inasmuch as it does not refer to any of the dfendants nor is it addressed to any of them.

The Court: The objection is overruled. The same order.

Mr. Travieso: Note my exception.

The letter in question was then placed in evidence and marked: Exhibit I for the Government, and it was read to the jury by the District Attorney.

Mr. Landers: If the Court please, I offer in evidence seventeen letters which were found under the same circumstances as the prior letters by the witness on the witness stand.

The Court:

Q. Mr. Witness, is that correct as to those papers being found? Would you like to examine them? (The papers in question are handed to the witness.)

A. (After examining the papers just handed him.) Yes, sir; those were found under the same conditions as the former let-
39 ters hidden in the washstand in Mr. Cerecedo's sleeping room when I made the search on September 16th.

The Court: They will be considered.

Mr. Travieso: I object to the admission of any and all of these letters upon the same ground, the said ground being the illegal manner in which they were taken from the possession of the defendant thus compelling him to be a witness against himself in violation of the Constitution of the United States. I renew my request for an order directed to the United States District Attorney ordering him to return each and every one of the said letters to its owner, the defendant. Are these letters all addressed to Manuel Cerecedo?

Mr. Landers: Some are addressed to Manuel Cerecedo and others to Hermida.

Mr. Travieso: I further object to the admission of any letter not addressed to the defendant Manuel Cerecedo or to any of the other two defendants.

The Court: This objection will be considered as entered as to each particular paper and overruled on the same ground as to each particular paper.

Mr. Travieso: I except to the ruling.

The Court: The exception is granted.

The District Attorney then read to the jury letter dated Santo Domingo, July 20, 1913, and addressed to Manuel Cerecedo, San Juan, and the same was placed in evidence and marked: Exhibit J for the Government.

The District Attorney then read to the jury letter dated
40 Santo Domingo, August 1, 1913, addressed to M. Gonzalez Hermida, San Juan, and the same was placed in evidence and marked: Exhibit K for the Government.

The District Attorney then read to the jury letter dated August 3, 1913, addressed, my esteemed friend, and signed, Jacinto, and the same was placed in evidence and marked: Exhibit L for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 4, 1913, addressed to Manuel Cerecedo, San Juan, and the same was placed in evidence and marked: Exhibit M for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 6, 1913, addressed, my esteemed friend and signed, Jacinto, and the same was placed in evidence and marked: Exhibit N for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 7, 1913, addressed, my esteemed friend and signed, Jacinto, and the same was placed in evidence and marked: Exhibit O for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 10, 1913, addressed, Don Marcial G. Hermida, San Juan, P. R., and the same was placed in evidence and marked: Exhibit P for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 20, 1913, addressed, Sr. Marcial G. Hermida, San Juan, P. R., and the same was placed in evidence and marked: Exhibit Q for the Government.

The District Attorney then read to the jury letter dated, August 22nd, last hour, addressed, my esteemed friend, with no signature, and the same was placed in evidence and marked: Exhibit
41 R for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 22, 1913, addressed, Sr. Son Dimas Garcia, and signed, Jacinto, and the same was placed in evidence and marked: Exhibit S for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 22, 1913, addressed, Messrs. Cerecedo Hermanos, San Juan, P. R., and signed, Dr. Mañon, and the same was placed in evidence and marked: Exhibit T for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 23, 1913, addressed, Messrs. Cerecedo Hermanos, San Juan, and signed, Jacinto Mañon, and the same was placed in evidence and marked: Exhibit U for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, August 27, 1913, addressed, Señor Don Marcial G.

Hermida, San Juan, signed J, and the same was placed in evidence and marked: Exhibit V for the Government.

The District Attorney then read to the jury letter dated, Santo Domingo, September 1, 1913, addressed, Dear Sir and friend, with no signature, and the same was placed in evidence and marked: Exhibit W for the Government.

The District Attorney then read to the jury letter dated, September 2, 1913, headed, at the last hour, 4 p. m., and signed, J., and the same was placed in evidence and marked: Exhibit X for the Government.

The District Attorney then read to the jury letter dated, September 4, 1913, addressed to Dr. Jacinto Y. Mañon, Santo Domingo, being a letter press copy, together with statements of accounts, and the same was placed in evidence and marked: Exhibit Y for the Government.

42 The District Attorney then read to the jury certain papers purporting to be cable codes and the same were placed in evidence and marked: Exhibit Z for the Government.

Q. Examine that book and state where and under what circumstances you saw it before (handing a leather covered book to the witness).

A. This is a book I found along with the eight hundred and forty-eight tickets in the washstand of Mr. Cerecedo under the same conditions as those letters.

Q. At the same time you made the search?

A. Yes.

Mr. Landers: Now, if Your Honor please, I offer this book in evidence.

The Court: Is there any objection

Mr. Travieso: If Your Honor please, I make the same objection to the admission of this book in evidence, upon the ground that this book was illegally taken from the house of Mr. Cerecedo without his consent and by means of the possession of a search warrant issued by the municipal court of San Juan, and on the ground that the admission of this evidence would be equivalent to compelling the defendant to be a witness against himself. I renew my petition to the Court for an order directing the District Attorney to return this book to its owner, the defendant, Manuel Cerecedo.

The Court: Whose accounts are kept in that book

Mr. Landers: We will show by subsequent witnesses that

43 these accounts are in the handwriting of Manuel Cerecedo and we will prove by witnesses whom we will produce before Your Honor that these accounts are correct; that they had business transactions with the defendant and that these accounts in this book are correct according to the accounts rendered by Mr. Cerecedo, the defendant herein, and according to purchases which they had made.

The Court: This is a slightly different proposition. The papers found came under the fourth amendment if they came under any-

thing. Here are some accounts by Cerecedo himself in his handwriting as I understand.

Mr. Landers: Yes, sir; we will show that they are in his handwriting pertaining to this lottery business which have reference to the account current which is shown in here. We will also connect it up by sundry and diverse persons who made purchases from the defendant, who will testify that the accounts are correct and in accordance with the bills which Mr. Cerecedo rendered to them, and that this correctly shows the business that was done so far as the lottery tickets were concerned. It also contains other code words.

The Court: Mr. District Attorney, I will hear you on one proposition. All of the papers or lottery tickets and papers which were from somebody else and were in somebody else's handwriting were found in this washstand or whatever it was, and are germane
44 and have been admitted despite the fourth amendment, on the ground that they were not demanded back at the proper time. This may or may not be the same principle. I would like to hear from you. Here are some books in the defendant's own handwriting and this comes under the principle of the fifth amendment. This is making the defendant himself a witness against himself and it is held in several cases, I recollect a C. C. A. case against Baird, I think it is, that says that you cannot do that by a subpœna duces tecum. Well if you cannot do it by a subpœna duces tecum how can you do it this way? In other words, has this any greater sanctity, any greater right to be admitted than what could be obtained by a subpœna duces tecum? The Court is in doubt for the moment and would be glad to hear from you on that.

Mr. Landers: What case did Your Honor refer to?

The Court: It is referred to at the end of the Weeks case. You see this comes up under the other amendment, making him a witness against himself. It is his own handwriting as I understand it. This is not a lottery ticket, for instance, which is an outside matter, but is simply incriminating because it is found in his possession. That is under the principle of an unreasonable search and I have ruled on that because I think such papers must be demanded back before the trial. Suppose you had sought to obtain a subpœna duces tecum for these books and papers of the defendant himself. Now a case
45 here says that cannot be done. Well that certainly would be triable during the course of the main trial. It is the only way it could come up. The Court is in doubt as to whether there is or is not a different principle involved. The case I referred to is that of Hale v. Henkel, 201 U. S. 43. It may be the same principle. I would like to get your views on it.

Mr. Landers: The Weeks case only held that where property was seized, the defendant must come in in seasonable time and make a request for the return of the property. In this case under the local statutes of Porto Rico a search warrant was issued and the affidavit charged that Cerecedo was conducting a lottery business, and under the Porto Rican code it is made a felony to carry on the lottery business.

The Court: The Court is not at all clear on the subject. On the

one side there is the question of a search warrant. This book was obtained just as much as anything else was obtained by virtue of the search warrant; not in its terms, but that is the way the police officers got in there, and it was all obtained at the same time and in the same way, so it would look from one point of view that whatever objection would exist as to one piece of evidence would exist as to the other and the procedure ought to be the same. On the other hand, the nature of the evidence is different. There are letters to a man and
46 tickets and other papers that belonged to him, or at least were in his possession, and which may or may not incriminate, while here is something that he has written himself. That is, I assume that. Now a subpœna duces tecum to bring that book I am satisfied would not lie. That would make him testify against himself. Now why should the rule be different from the process? Instead of being brought by one writ, by a subpœna duces tecum, it is got at by another writ, a search warrant. If it would not be relevant under one writ, how can it be relevant under the other? The case you see is subject to considerable doubt. It appears to me though that I had better place the decision in such a way that it can be reviewed by a higher court, the Court's mind being almost balanced one way as against the other. I will decide that way, overruling your objection so that you can take an exception.

Mr. Travieso: It seems to me that there being a sort of a doubt as to whether this evidence should be admitted or not, the defendant, this being a criminal case, should be entitled to the benefit of any and all doubts.

The Court: No, sir; that is different. He is entitled to all doubts as to facts, but when it comes to law, that is to be settled just the same in a criminal case as in any other. This seems to be the best way to get the decision in the upper court. There is not supposed to be any doubt in the Court's mind.

47 Mr. Travieso: I will note my exception.

The book in question was then read to the jury in part by the District Attorney and placed in evidence and marked: Exhibit A A for the Government.

Mr. Travieso: I would like to know what the District Attorney proposes to show by the introduction of this book; to establish what fact in connection with the charge of conspiracy, because we have heard a lot of figures and a lot of names absolutely disconnected as far as the charge of conspiracy is concerned, and in order to pass upon the relevancy of the evidence, I think the District Attorney ought to state what facts he is going to establish by that so that I may either admit it or except to it.

Mr. Landers: The crime here is conspiring to bring in lottery tickets for the purpose of sale. It is no crime to bring in lottery tickets for yourself. Now we intend to show that they conspired to do this, that is, to bring lottery tickets into Porto Rico for the purpose of disposing of the same, and, in carrying out this conspiracy, that they did sell these tickets, and we will call these people to testify that those accounts are correct.

Mr. Travieso: So you don't expect to prove that by the book itself?
Mr. Landers: No, we will explain the book by witnesses who will testify that they received bills from Mr. Cerecedo the same as these accounts.

48 Q. Have you ever seen that before (handing another book to the witness)?
A. This book was found also in the washstand of Mr. Cerecedo's room in the search that I made in his house at the same time that I found the letters and tickets and other books.
Q. You found them with the tickets?
A. Under the same circumstances.
Q. And you took it by virtue of the same search warrant?
A. Yes, sir.

Mr. Landers: I offer this in evidence, if Your Honor please.
The Court: Any objection?
Mr. Travieso: I object to the admission of this book upon the ground already stated, that is, for having been illegally taken from the possession of the defendant by the witness Mr. St. Elmo under the search warrant, on the ground that the admission of this evidence is equivalent to compelling the defendant to incriminate himself and to furnish evidence wherewith to convict him. I object on the further ground that the evidence is irrelevant and immaterial and it does not tend to establish any issue in this case.
Mr. Landers: I don't care to answer the first part, but as to the question of the immateriality of this evidence, I will show by this evidence that the names and addresses which appear in here and the number of tickets correspond and are identical with the accounts in the ledger, the accounts in the small book. This seems to be sort of a day book. The code in here which is translated and copied
49 in here by some one is the code that has been used by Manuel Cerecedo in sending cables to Jacinto Mañon. We will show that this is one of the steps; that the names in here, etc., are his operators throughout the Island by which he was carrying on the business of conducting a lottery business in Porto Rico.
The Court: The objection is overruled and the book admitted.
Mr. Travieso: We will take an exception.
The book in question was then read in part to the jury by the District Attorney and placed in evidence and marked: Exhibit B B for the Government.
During the reading of this Exhibit to the jury a question was raised by counsel for the defendant as to the translation of a certain word and the Court Interpreter was called on by the Court to read it, and he stated that the word was an abbreviation for the Spanish word "billetas," meaning tickets.

Q. Do you know the Post office address of the defendant?
A. Yes, sir.
Q. What is the box number?
A. 783.
Q. Where is his place of business?

A. No. 46.
Q. What street?
A. San Francisco Street.
Q. Examine this book and state what it is and where and under what circumstances you first saw it (handing another book to the witness).
A. This is a book that I found in the desk in Manuel Cere-
50 cedo's store at No. 46 San Francisco Street at the time I made the search on September 16th. It was in a desk in his place on the lower floor of his house.
Q. With the tickets?
A. There was found in the desk some few tickets and three lists.

Mr. Landers: I offer this in evidence, if Your Honor please.
The Court: Any objection?
Mr. Travieso: I make the same objection as made in reference to the former books, that this book was illegally taken from the possession of its owner Manuel Cerecedo without his consent and should not be used to incriminate him because this would be equivalent to compelling the defendant to testify against himself in violation of his Constitutional rights. I renew my demand for an order of this court directed to the District Attorney to return this book to its owner, the defendant.
The Court: The objection is overruled and the book admitted.
Mr. Travieso: Note my exception. In my objection I would like it to appear that I object to this evidence as being immaterial and irrelevant because it does not tend to establish any of the issues in the conspiracy charge.
The Court: What is the relevancy?
Mr. Landers: The purpose of this is to show; as I stated before, the law is that you must bring in tickets for the purpose of
51 disposing of them. Here was a contract of conspiracy to run for fourteen years, and we offer this to show that the very purpose for which they brought them in was to dispose of them, and here are the accounts of them.
The Court: What is that book?
Mr. Landers: That is a book showing the delivery of tickets to divers and sundry people throughout the Island.
The Court: The objection is overruled.
Mr. Travieso: Note an exception.
The book in question was then placed in evidence and marked Exhibit CC for the Government.

Q. State what that is (handing another book to the witness).
A. This is a book that I found on one of the desks in Manuel Cerecedo's office, 46 San Francisco Street, at the same time that I made the search. It was lying on a desk in his office and was taken along with the rest of the documents under authority of the search warrant that I held and the order of arrest.

Mr. Landers: I offer it in evidence for the purpose of showing letter press copies of letters which we will produce by witnesses, show-

ing the account of the respective witnesses whose names appear in this ledger and this day book, making the connection.

The Court: Is there any objection?

Mr. Travieso: I make the same objection to the admission of this evidence on the ground of the illegality of the manner in
52 which it came to the possession of the witness. The admission of this evidence would be equivalent to compelling the defendant to testify against himself in violation of his Constitutional rights, and I request the Court to direct the District Attorney to return this book to its owner, the defendant. And I object also on the ground of the immateriality and irrelevancy of the evidence on the ground that it does not tend to establish any of the issues in the conspiracy charge.

The Court: The objection is overruled and the book is admitted.

Mr. Travieso: Note an exception.

The book in question was then placed in evidence and marked Exhibit DD for the Government.

Q. Examine these documents which I hand you and state what they are (handing some papers to the witness).

A. These are documents that I seized in the house of Manuel Cerecedo on the 16th of September, last year, under the authority of the search warrant and order of ar[illegible] that was given to me. They contain. Do you want me to sta[illegible]hat they contain?

Q. No, they show for themselves.

The Court: That was the same occasion on which you got the other papers?

A. Yes, sir.

Mr. Landers:

Q. What are these attached to?

A. The attachments.

Q. These; what are these?

53 A. They are two of the lottery tickets that were taken from Mr. Cerecedo's store on the same date and under the same circumstances as the other documents. These were attached to this document to identify it.

Q. How does it identify it?

A. This document is headed: The 12th of October, 1913.

Q. What is that document?

A. It contains——

Q. Never mind what it contains. What is the document?

A. The document that I seized in Mr. Cerecedo's house.

Q. What does it purport to contain, if you know?

A. It purports to contain the numbers of——

Mr. Travieso: I think the document, if admitted by the Court, will be explained by itself. Now what the document purports to show is not for the witness to say, but for the jury.

The Court: I will hear you, Mr. District Attorney.

Mr. Landers: I withdraw the question. I offer this in evidence, if Your Honor please, as having been taken at the time of the seizure.

The Court: Any objection?

Mr. Travieso: I make the same objection to the admission of any paper that is not a lottery ticket and shown to be such lottery ticket, on the ground that it was illegally taken from the possession of the defendant and that it compels him to testify against himself, and I make the same request for its return.

The Court: The objection is overruled.

54 Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit EE for the Government.

Q. Now where have you seen this before (showing another paper to the witness)?

A. That was seized at the same time with the other documents under the same circumstances.

Mr. Landers: I offer this in evidence.

Mr. Travieso: I enter the same objection to the admission of any paper that is not a lottery ticket and shown to be such lottery ticket, on the ground that it was illegally taken from the possession of the defendant and that it compels him to testify against himself, and I make the same request for its return.

The Court: The objection is overruled.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit FF for the Government.

Q. What are these (showing other papers to the witness)?

A. They are the same.

Mr. Landers: I offer them in evidence.

Mr. Travieso: I make the same objection to the admission of any paper that is not a lottery ticket and shown to be such lottery ticket, on the ground that it was illegally taken from the possession of the defendant and that it compels him to testify against himself, and I make the same request for its return.

The Court: The objection is overruled.

55 Mr. Travieso: Note an exception.

The documents in question were then placed in evidence and marked: Exhibits GG, HH, II, JJ, and KK, the same being sheets containing numbers.

Q. Now where did you find these tickets?

A. Those are two tickets that are part of eight hundred and forty-eight that were found in Mr. Cerecedo's washstand at the same time that those others were found.

Q. Part of these tickets?

A. Yes, sir.

Q. These are parts of the whole package?

A. Yes, sir.

Q. And they are the same except that the center number has been cut out of those?

A. Exactly the same; I kept those two.

Mr. Landers: I offer them in evidence.

The Court: Any objection?

Mr. Travieso: I object to them as lottery tickets unless they are identified as valid and authentic.

The Court: The objection is overruled.

Mr. Travieso: Note an exception.

The lottery tickets in question were then placed in evidence and marked: Exhibit LL for the Government.

Q. What are these (handing other papers to the witness)?

A. Those are two tickets of the lot of one hundred and twenty-three that were found under the letter press in Mr. Cerecedo's office at the time that the search was made. I kept those out for the same purpose.

Q. That is what date?

A. September 7th.

56 Q. This Exhibit LL for the Government is of what date?

A. September 21st.

Mr. Landers: I offer these tickets of September 7th in evidence.

Mr. Travieso: I object to them as lottery tickets unless they are identified as valid and authentic.

The Court: The objection is overruled.

Mr. Travieso: Note an exception.

The lottery tickets in question were then placed in evidence and marked: Exhibit MM for the Government.

Q. State what other search, if any, you made on the same day, the 16th of September, 1913.

A. I searched the house of Mr. Federico Dimas at 69 San Francisco Street, San Juan.

Q. What, if anything, did you find in that house?

A. I found forty-five hundred lottery tickets of the drawing of October 12th.

Q. Examine this bunch, Mr. Witness, and state whether or not they are the ones.

A. Yes, sir; there are nine packages of five hundred each.

Q. You found these in the house of Mr. Dimas?

A. Of Mr. Federico Dimas at 69 San Francisco Street.

Q. State who mutilated the tickets in the manner in which they are mutilated at the present time.

A. I mutilated them myself.

Q. State the manner in which the original package was found by you.

A. The yellow paper was enclosing it and I cut the yellow paper off and punched the holes out.

Q. Were all these in one package?

A. No, sir; they were together but not wrapped up.

57 Q. Now what are these?

A. They are lottery tickets.

Q. In what lottery?

A. The lottery Padre Ballini of Santo Domingo.

Q. Of what date?

A. October 12th.

Mr. Landers: Now, if Your Honor please, I offer these in evidence.

The Court: Any objection?

Mr. Travieso: I object to the admission of these documents in evidence because, as stated by the witness, they were found at a place entirely different from the place of business or the home of the defendant Cerecedo or of any other of the defendants. Mr. Dimas, the man to whom the witness refers, is not a defendant in this case. He is an entirely different person, so that these tickets, if they are such tickets found at his house, are irrelevant as evidence against the defendants in this case, unless it is in some other way connected with the defendant Cerecedo or Grillasca or Valle.

The Court: What have they to do with this case?

Mr. Landers: I will admit everything that the attorney has said, that unless we connect them up with one of these defendants, they are not admissible as against them. If Your Honor remembers, under the original contract which was entered into between Mañon and Mr. Cerecedo, he was to receive so many tickets each
58 month. We will prove that Mañon has a contract with this lottery, by which he received a certain number of tickets and at the time they are delivered, an invoice is taken and the numbers are taken and marked and they are given to Mañon, and Mañon sent those tickets to Manuel Cerecedo under that contract. We will show, if Your Honor please, by competent evidence of witnesses who will identify certain marks on the back of them, that they are the identical tickets which were given to Mañon in Santo Domingo. We will prove by the last Exhibit which we introduced, that they are invoiced to Manuel Cerecedo, showing that they were invoiced to Mañon in Santo Domingo under the contract with Cerecedo, and we find them now in the hands of Dimas. That proves conclusively that Manuel Cerecedo brought them to Porto Rico because they were delivered to him by Jacinto Mañon.

Mr. Travieso: If the District Attorney promises to connect them with Mr. Cerecedo, I do not object.

The Court: They are admitted on that condition.

Mr. Travieso: I will take an exception.

The nine packages of tickets in question were then placed in evidence and marked: Exhibit NN for the Government.

Q. What have you there, Mr. Witness?

A. They are two tickets that I took out of that lot of forty-five hundred for identification purposes.

Q. And they are of the same lottery and are of the same date as all of these, are they, the 12th of October (referring to Ex-
59 hibit NN for the Government)?

A. Yes sir.

Q. And these were taken out of these packages?

A. Yes, sir.

Mr. Landers: I offer them in evidence.

The Court: Any objection?

Mr. Travieso: I make the same objection on the ground that they

were taken at a place not connected with these defendants, and it is not shown that they are lottery tickets.

The Court: The objection is overruled and they are admitted under the same condition as the others.

Mr. Travieso: Note an exception.

A Juror:

Q. What was the reason for punching the holes in the tickets?

A. So that I would not be accused later on of having cashed the tickets.

The two tickets in question were then placed in evidence and marked: Exhibit OO for the Government.

Q. Examine these two bunches of tickets and state whether or not you have seen them before and where and under what circumstances.

A. These are tickets that were returned to me by Isaac Ilureta. There are five hundred in one package and one hundred and sixteen in the other.

Mr. Landers: I offer these in evidence conditional that we will connect them up with the defendant Cerecedo.

The Court: Who is he?

Mr. Landers: He is a man who is in town and who has been subpœnaed as a witness in the case.

60 Mr. Travieso: I want to enter my objection to the introduction of all these mutilated papers which are not complete on their face and which are in such shape that the jury will be unable to determine by looking at them whether they are lottery tickets or anything.

The Court: That will be good only as to what is now being offered.

Mr. Travieso: I made the objection before.

The Court: The objection is overruled.

Mr. Travieso: Note my exception.

The Court: The mutilation will go to the credibility but not to the competency of the evidence.

The tickets in question were then placed in evidence and marked: Exhibit PP for the Government.

Court adjourned at this time until 10 a. m., March 18, 1914.

March 18, 1914.

WALTER M. ST. ELMO, being recalled as a witness in behalf of the Government, testified as follows:

Direct examination by Mr. Landers:

Q. I show you a document, Mr. St. Elmo. Please state what it is and where and under what circumstances you found it, (handing papers to the witness).

A. These are three lottery lists that I found in Mr. Cerecedo's washstand when I made the search on the 16th of September, and which I seized under the same circumstances that I seized the tickets.

Q. State whether or not they were with the tickets whic
61 you seized at the same time and which have been offered i
evidence here.

A. Yes, in the same packages as the tickets which were seized.

Mr. Landers: I now offer these in evidence.

The Court: Any objection?

Mr. Travieso: I object to these supposed lists of prizes on th ground that they are not properly identified as such lists. There no evidence that this is an official list of the supposed Padre Ballin Lottery.

The Court: What says the District Attorney?

Mr. Landers: It says on the face of it that it is a list.

The Court: List of what?

Mr. Landers: Lottery in favor of the Manicomio Padre Ballini list of prizes in the drawing No. 168 celebrated in the Municip Palace the 13th of June, 1913. It gives the hour of drawing and th name of the administrator Geraldino. We will prove by Mr. Ge aldino that he was the administrator.

Mr. Travieso: It does not prove that it is an official list. A forge bank note shows on its face that the United States will pay a dolla for it, yet when it is presented, it does not pay anything because is forged. There is nothing to identify this as an official list.

Mr. Landers: If they say that this is not a valid list, it seems to m that it is a matter for the defense to show that it is not a valid lis On the face of it it shows that it is an official list of the Padre Ballin Lottery.

62 The Court: As I understand it, this was found at the sam time with the tickets.

Mr. Landers: Yes, sir; under the same conditions.

The Court: And it purports to be a list of lottery tickets. It wi be admitted for what it is worth.

Mr. Landers: There are three dates; the lottery held on the 13t of July and the lottery of the 3rd of August and the lottery held o the 17th of August. I ask that all three be admitted in evidence.

The Court: It is so ordered.

Mr. Travieso: I will take my exception to Your Honor's ruling.

The Court: The Court does not know much judicially about lo tery lists, but it will admit them as they were found with the lotter tickets at the same time and place.

The lottery lists in question were then placed in evidence an marked: Exhibit QQ for the Government.

Q. Examine this document and state what it is and where an when you got it (handing a paper to the witness).

A. This is a prospectus of the Padre Ballini Lottery which wa seized at the same time as the lists and tickets in Mr. Cerecedo' place.

Q. And under the same authority?

A. And under the same authority.

Q. What does that prospectus purport to be?

A. It is a prospectus for the lottery following the drawing of and including the drawing of July 13, 1913.

Mr. Landers: I offer that in evidence, if Your Honor please.

Mr. Travieso: I object to the admission of this document
63 as being irrelevant and immaterial in this case, having no connection whatever with the issue in this charge of conspiracy.

The Court: Is there any lottery ticket in evidence of this lottery of the insane asylum Padre Ballini?

Mr. Landers: Yes, probably over half of them.

The Court: The objection is overruled and the paper is admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit RR for the Government.

Q. Examine that document and state what it is and where and under what circumstances you found it.

A. It is a document that I found in the washstand of Mr. Cerecedo when I made the search of his house on September 16th. Shall I say what it is? It was seized under the same circumstances and at the same time and under the same authority as the others.

Q. What note is that?

A. That note I put on there myself.

Mr. Landers: I will ask that that be stricken out and it is not to be taken into consideration. I offer it in evidence, if Your Honor please.

Mr. Travieso: I object to the admission of this document as being immaterial and irrelevant to the issues in this case, not being signed by any person and being merely a carbon copy of a paper, and, having no reference to the defendants, it should not be used against them as evidence.

Mr. Landers: Now, if Your Honor please, I will state the purpose of that.

64 The paper just offered in evidence is handed to the Court.

The Court: I have heard the name of Garcia mentioned several times; is that the same man?

Mr. Landers: Yes, sir; and here is his account in the book (showing the account book to the Court) and we will show, if Your Honor please, that that is a duplicate of an account which was sent by Manuel Cerecedo to Manual Garcia for tickets which he purchased from Manual Cerecedo.

The Court: The objection is overruled and the paper is admitted.

Mr. Travieso: Note an exception.

The paper in question was then read to the jury by the District Attorney and placed in evidence and marked: Exhibit SS for the Government.

Q. Examine this document and state what that is and where and under what circumstances you found it, (handing another paper to the witness).

A. This paper was found by me at the same time in the washstand

of Mr. Cerecedo when I made the search of his premises on September 16th under the same conditions and authority of the document just admitted.

Q. Just explain to the jury how large that washstand was.

A. The compartment is about so long and about that wide (indicating with his hands); about seven inches wide, about twelve inches deep and thirty-eight or forty inches long, something like that.

Mr. Landers: I offer this in evidence, if Your Honor please.

The Court: Any objection?

Mr. Travieso: I make the same objection as I made in reference to the previous document, as being immaterial and irrelevant,
65 not being signed by the defendant or by any person and being merely a carbon copy of a paper.

The paper in question is handed to the Court.

The Court: What is the relevancy, Mr. District Attorney?

Mr. Landers: If Your Honor please, we will show that Tito Santos was one of the customers and this is a bill which was sent to him for the purchase of lottery tickets.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The Court: The exception is allowed.

The document in question was then placed in evidence and marked: Exhibit TT for the Government.

Q. Examine that document and state where and under what circumstances you found it, (handing a paper to the witness).

A. This is a document that I found in Mr. Cerecedo's washstand under the same conditions and at the same time as the document just admitted and it was seized by me under the same authority.

Mr. Landers: I offer it in evidence, if Your Honor please.

The Court: Any objection?

Mr. Travieso: The same objection as I made to the other documents, as being immaterial and irrelevant, not being signed by the defendant or by any person and being merely a carbon copy of a paper.

The paper in question is handed to the Court.

The Court: What is the connection between silk handkerchiefs and this case?

66 Mr. Landers: We will show that when that receipt was given for silk handkerchiefs, it was in reality a receipt for lottery tickets. We will prove it not only by the account current but by oral evidence to that effect.

The COURT: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The paper in question was then placed in evidence and marked: Exhibit UU for the Government.

Q. Examine this document and state where and under what circumstances you found it (handing another paper to the witness).

A. This document I found in the washstand of Mr. Cerecedo on September 16th when I made the search, and which I seized under

same circumstances and the same authority as the document t admitted.

Mr. Landers: I offer it in evidence.
The Court: Any objection?
Mr. Travieso: The same objection, if Your Honor Please, as I de to the other documents, as being immaterial and irrelevant, being signed by the defendant or by any person and being merely arbon copy of a paper.
The COURT: That is the same Castañeda mentioned in the ac-nts?
Mr. Landers: Yes, sir; the same man, Francisco Castañeda.
The Court: The objection is overruled and the paper admitted.
Mr. Travieso: Note an exception.
The Court: The exception is allowed.
The document in question was then placed in evidence and rked: Exhibit VV for the Government.

Q. Please examine this document and state where and when and under what circumstances you seized that (handing a paper to the witness).
A. This is a document that I found in Mr. Cerecedo's washstand en I made the search on September 16th and which I seized under same authority and at the same time as the document previously nitted.

Mr. Landers: I offer it in evidence.
Mr. Travieso: I make the same objection, if Your Honor please, I made to the other documents, as being immaterial and irrele-t, not being signed by the defendant or by any person and being rely a carbon copy of a paper.
The paper in question is handed to the Court.
The Court: Do you propose to connect that up?
Mr. Landers: Yes, Your Honor, I propose to show that this was t to Isaac Hijerata by the defendant, showing his statement as ow he stood.
The Court: The objection is overruled and the paper is admitted.
Mr. Travieso: Note an exception.
The document in question was then placed in evidence and rked: Exhibit WW for the Government.

Q. Please examine this and state where and when and under what umstances you have seen it before (handing another paper to witness).
A. This is a document which I found in the washstand of Mr. ecedo on September 16th when I made a search in his house and ch I seized under the same authority as the document just ad-ed.

Mr. Landers: I offer it in evidence.
The Court: Any objection?
Mr. Travieso: I make the same objection as I made to the r documents, as being immaterial and irrelevant, not being

signed by the defendant or by any person and being merely a carbon copy of a paper.

The paper in question is handed to the Court.

The Court: It is the same man, enclosing a bill for something. The objection is overruled and the paper admitted.

Mr. Travieso; Note an exception.

The Court: The exception is allowed.

The document in question was then placed in evidence and marked: Exhibit XX for the Government.

Q. Please examine this document and state where and when and under what circumstances you seized it.

A. This is a document that I found in Mr. Cerecedo's desk in his office at the time that I made the search on September 16th, and which I seized under the same circumstances as the document just admitted, and under the same authority.

Mr. Landers: I offer it in evidence.

The Court: Any objection?

Mr. Travieso: I object to the admission of this paper in evidence, supposed to be a letter, on the ground that it is not addressed to any of the defendants in this case, nor is it signed by any of the defendants, nor does it refer in the body of the document to any of the defendants in this case. It has absolutely no connection
69 with the issues in this case.

The paper in question is handed to the Court.

The Court: What is the relevancy of this?

Mr. Landers: We will show, if Your Honor please, that this was sent to Mr. Cerecedo by one of his customers and that Mr. Cerecedo acted upon that letter. We will also identify the letter.

The Court: Who is San Clodio?

Mr. Landers: We will show that that is one of the customers who purchased under the fictitious name of San Clodio.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso; Note my exception.

The Court: The exception is allowed.

The document in question was then read to the jury by the District Attorney and placed in evidence and marked: Exhibit YY for the Government.

Q. Examine this document and please state where and when and under what circumstances you seized it.

A. This is a document that I seized in Mr. Cerecedo's desk in his store on September 16th when I made the search under the same conditions, at the same time and under the same authority as the document previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make the same objection to this document as I made to the other one. It is not signed by any person and makes no reference to any of the defendants in this case and it is therefore immaterial and irrelevant to the issues.

70 The Court: The paper is handed to the Court.

Mr. Landers: If Your Honor please, I will prove that this

was sent to the defendant and that it was acted upon by him and that the credits which are mentioned in there were entered in the ledger to the credit of a certain person who went under the name of San Clodio.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit ZZ for the Government.

Q. Examine this document that I show you and state where and when and under what circumstances you seized it, (handing a paper to the witness).

A. This is a document that I seized in Mr. Cerecedo's house or found in his desk in his store on September 16th when I made the search, and which I seized under the same circumstances and the same authority as the document previously admitted.

Mr. Landers: I offer it in evidence, if Your Honor please.

Mr. Travieso: I object to this document as immaterial. It does not show anything with reference to the case.

The paper in question is handed to the Court.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso; Note my exception.

The document in question was then placed in evidence and marked: Exhibit AAA for the Government.

Q. Mr. St. Elmo, state whether or not you made any search in the vicinity of Cabo Rojo.

A. I did make a search in the house of Carlos Valle in
71 Cabo Rojo on October 9th.

Q. Under and by virtue of what authority was that search made?

A. By authority of a search warrant that had been issued by the municipal judge of Cabo Rojo.

Q. Please examine this document which I show you and state what it is (handing a paper to the witness).

A. This is a copy of the search warrant and information filed by me before the municipal judge, and search warrant issued by him to me to search the house of Carlos Valle in Cabo Rojo.

Mr. Landers: I offer it in evidence, if Your Honor please.

Mr. Travieso: We make no objection to the admission of this search warrant.

The Court: The search warrant is admitted without objection.

The document in question was then read to the jury by the District Attorney and placed in evidence and marked: Exhibit BBB for the Government.

Q. Examine this document that I show you and state where and under what circumstances you found it, (handing a paper to the witness).

A. This is a document that I found in the house of Carlos Valle in Cabo Rojo and which I seized under the authority of the search warrant issued to me by the municipal judge of that town.

Mr. Landers: I offer the same in evidence, if Your Honor please.

Mr. Travieso: I object to the admission of this telegram on the ground that the same was taken from the possession of the defendant Carlos Valle by Mr. St. Elmo under an illegal search war-
72 rant illegally issued by the municipal court of Cabo Rojo. The warrant shows on its face that it was issued for the purpose of allowing the applicant for it, Mr. St. Elmo, to enter the house of the defendant Carlos Valle to take possession of documents to be used in evidence against the defendant for violation of Arts. 293 and 294 of the penal code of Porto Rico. The admission of this document in evidence, taken from the possession of the defendant without his consent, is equivalent to compelling the defendant to be a witness against himself in violation of his Constitutional rights, and I now move the Court for an order disallowing this evidence and directing the District Attorney to return this telegram to its owner, the defendant Carlos Valle.

The Court: This relates to a different defendant?

Mr. Landers: This is a co-defendant of Manuel Cerecedo.

The Court: Is he or not a Spaniard?

Mr. Landers: He is a Porto Rican I believe.

Mr. Travieso: He is a Porto Rican.

The second paragraph of the affidavit reads:

"That he has good grounds to suspect that Carlos Valle keeps in his house in this town documents and other things which show his complicity in certain crime for which he has been denounced for violation of articles 293 and 294 of the penal code." Under the laws of Porto Rico, a search warrant may be issued to take
73 possession of property, the possession of which constitutes a crime or when such property is in the possession of a person for the purpose of committing a crime, but in no case is a judge authorized, under our laws or under any laws, to enter the house of a citizen to take possession of private documents to be used without his consent against him as evidence. On the face of the warrant, and that is why we did not object to it, it shows the illegality of the warrant and the illegality of everything that was taken from the defendant.

Mr. Landers: I take issue with counsel for the defendant on that ground. I undertake to say that when a man goes before a justice of the peace and signs an affidavit for the issuance of a search warrant and when the judge determines that there are facts sufficient stated in that affidavit, that affidavit becomes functus officio and the warrant is issued and everything dates from the warrant. It shows his complicity in this crime. How did we know but what we would find lottery tickets and a thousand and one other things? They don't conspire out in the open, if Your Honor please. At least that has not been my experience as a prosecutor. They conspire in secret and one man does one thing and another does another, and the only way we can prove the case is by proving isolated facts. If Your Honor please, they come too late at this time, under
74 the rulings of Your Honor and under the ruling of the Fremont Weeks case. Your Honor will not inquire into the

relevancy of a collateral issue. If Your Honor stops to investigate whether or not this warrant was sufficient for him to go there and get these documents, we are going into a collateral issue. Your Honor has held that the trial cannot be stopped for that. The Supreme Court has held in the Weeks case that that must be done in seasonable time, and if it is not done then, they waive it. All the authorities agree that where evidence is admitted, the courts will only inquire into the competency and not the source of the evidence. This matter is governed entirely by Your Honor's decision in the other case.

The Court: This paper seems to have been acquired under a search warrant in a search of the house of another of the defendants, not the one as to which the issue came up yesterday, the only difference between the two being that the defendant as to whom I passed on yesterday was a Spaniard and the defendant as to whom this search warrant applies today is a Porto Rican. There would seem to be no real difference in the two cases, and I will hold as I did yesterday. And I would like it to be understood as far as my voice can go or any report of this proceeding can go, that I hold these propositions.

In the first place, that the Constitution of the United States applies to Porto Rico. That Congress has so applied it by the Organic Act, except as to certain particulars which are not locally applicable. There are certain regulations which have to be provided for later. But the bill of rights, the first eight amendments to the Constitution, do apply in the fullest degree to Porto Rico. Hawaii v. Mankichi, 190 U. S. 197.

In the second place, that under Art. 12 of the Treaty of Paris, those personal rights secured by those amendments apply to Spaniards in Porto Rico just as fully as they do to Americans, and now I decide further that those amendments apply in the fullest degree also to Porto Ricans; that for the purposes of the bill of rights they are Americans.

I probably could go further but that is all that is necessary to decide right now. Those amendments applying, I hold as I did yesterday that papers seized will upon proper application in a proper case be ordered returned by this court or any court trying the case, if the papers were improperly seized. That under the 4th Amendment there can be no unreasonable search either by this court or by any court, and that papers which are seized in an unreasonable search will be ordered returned. And under the 5th amendment, that letters or papers written by the defendant himself will not be used to criminate him. This application must be seasonably made. But what is a seasonable application is a matter of procedure and not a constitutional right. That the return of such papers must be applied for before beginning the main case, otherwise it will require the court to stop the trial of one case in order to determine a collateral issue and there would be no end to such a procedure. It has been so held by the Supreme Court of the United States in the Adams case and in the Weeks case. So that the application now made for the return of these papers comes too

late for the purposes of this trial, but that such application, if made by a petition in a separate proceeding, will be fully and carefully heard, and, if it seems to be a proper application, all such papers will be returned, but that the Court cannot stop now to inquire into the source of the Government's evidence. All it can determine is whether that evidence is germane or competent for the purpose for which it is introduced. If that is true, the evidence will be introduced and the defendants left to their remedy in some other proceeding in order to get back any papers which they can properly get back. This question now is simply a matter of competency of evidence. If the paper is not relevant, of course it will not be admitted. However, it is competent and the objection will be overruled. Adams v. New York, 192 U. S. 585; Weeks v. United States (Supreme Court, Feb. 24, 1914).

77 Mr. Travieso: Note my exception.

Mr. Landers: I would like to have Your Honor make that more clear, that Your Honor is not determining whether these papers were illegally seized or not.

The Court: No, that does not come up here now. The point for you, gentlemen, is that the papers which are introduced in evidence you are to consider without regard to where they came from. That is a matter for the Court and not for you and the other matters have nothing to do with this case at all.

The document in question was then read to the jury by the District Attorney and placed in evidence and marked: Exhibit CCC for the Government.

Q. Please examine this document and state where, when and under what circumstances you got it (handing another paper to the witness).

A. This document was found in the house of Carlos Valle in Cabo Rojo on October 9th when I searched his place under authority of the search warrant issued by the municipal judge of that town, and it was seized by me under authority of that warrant.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make the same objection to the admission of this document. It was taken from the possession of the defendant Carlos Valle without his consent in violation of his constitutional rights, and I further object on the ground of the immateriality of the evidence which does not tend to establish any of the issues in this case.

The paper in question is handed to the Court.

78 Mr. Landers: We will show the connection between this telegram and other telegrams and facts which occurred.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The Court: The exception is allowed.

The document in question was then placed in evidence and marked Exhibit DDD for the Government.

Q. Please examine this document and state where, when and under what circumstances you got it, (handing a paper to the witness).

COPY BOUND CLOS

A. This document was seized by me in the house of Carlos Valle in Cabo Rojo on October 9th under authority of the search warrant issued by the municipal judge and under the same conditions as the document previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make the same objection to the admission of this evidence. It was taken from the possession of the defendant under an illegal search warrant in violation of his constitutional rights. I further object on the ground of the immateriality and irrelevancy of the evidence.

The Court: The same ruling.

Mr. Travieso: Note my exception.

The document in question was then placed in evidence and read to the jury and marked: Exhibit EEE for the Government.

Q. Examine this document and state where, when and under what circumstances you found it.

A. This is a document that I found in the house of Carlos Valle in Cabo Rojo on October 9th under authority of a search warrant issued to me by the municipal judge of that town under the same circumstances as the document previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make the same objection. It was taken from the possession of the defendant under an illegal search warrant in violation of his constitutional rights. I further object on the ground of the immateriality and irrelevancy of the evidence.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit FFF for the Government.

Q. Examine that document and state where you found it (handing another paper to the witness).

A. This document was found by me in the house of Carlos Valle in October 9th and seized under authority of the search warrant issued by the municipal judge of that town and seized under the same conditions as the document previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: The same objection to the admission of this evidence. It was taken from the possession of the defendant under an illegal search warrant in violation of his constitutional rights. I further object on the ground of the immateriality and irrelevancy of the evidence.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit GGG for the Government.

Q. Please examine these two documents and state where and when you found them.

A. These two envelopes were found by me, together with the telegrams just admitted, in the house of Carlos Valle of

IN CENTER

Cabo Rojo and seized by me under authority of the search warrant issued to me by the municipal judge of that town.

Mr. Landers: I offer these envelopes in evidence.

Mr. Travieso: I make the same objection to the admission of this evidence. It was taken from the possession of the defendant under an illegal search warrant in violation of his constitutional rights. I further object on the ground of the immateriality and irrelevancy of the evidence.

The Court: The objection is overruled.

Mr. Travieso: Note an exception.

The two envelopes in question were then placed in evidence and marked: Exhibit HHHH for the Government.

Q. Please examine this document and state where, when and under what circumstances you found it (handing another paper to the witness).

A. This is a document that I seized in the house of Carlos Valle in Cabo Rojo on October 9th under the authority of the search warrant issued to me by the municipal judge of that town and under the same circumstances as the documents previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make no objection to it.

The document in question was then read to the jury by the District Attorney and placed in evidence and marked: Exhibit III for the Government.

Q. Mr. St. Elmo, please examine these cables and state
81 who, if you know, made the translations, (handing several papers to the witness).

A. These are translations made by myself.

Q. From what?

A. From the original cables attached.

Q. And where did you get the code by which to make the translations? What code did you use?

A. In one case I used the A B C fifth edition.

Q. For what cablegram?

A. Cablegram dated June 26, 1913.

Q. And the balance?

A. I used the code found in the documents which have been admitted at this trial and which were seized from Mr. Cerecedo and in one of those books.

Q. Is it that document which is labeled the code and one of the books?

A. Yes, sir; and one of the black books.

Q. And from those you made the translations?

A. Yes, sir.

Q. And please examine these and state who made the translations of those, (handing other papers to the witness).

A. These are translations made by myself.

Q. From what? What did you use?

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A. From the code found in the possession of Mr. Cerecedo and which has been admitted here.

Mr. Landers: I would like to have it understood that these translations are identified, but I am not offering the cables now.

The Court: It is in evidence that this particular witness has translated these cables but they are not offered now.

Mr. Landers: No, I simply wanted the witness to testify that he made the translations from the code words found in the possession of the defendant.

Q. Please examine these two documents which are attached together here and state where, when and under what circumstances you seized those documents.

A. These two documents were seized of Manuel Cerecedo on September 16th by me under authority of the search warrant issued by the municipal judge, and under the same conditions as the documents previously admitted.

Mr. Landers: I offer the same in evidence.

Mr. Travieso: I make the same objection made to the other documents taken from the possession of the defendant Cerecedo without his consent, as being a violation of his constitutionall rights. I further object on the ground that the evidence offered is irrelevant and immaterial to the issues in this case.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit JJJ for the Government.

Q. Please examine this document and state where, when and under what circumstances you found it.

A. This is a document that I found in Mr. Cerecedo's house when I made the search on September 16th and it was seized by me under authority of the search warrant which had been issued to me by the municipal judge of San Juan, under the same circumstances as the documents previously admitted.

Mr. Landers: I offer it in evidence.

Mr. Travieso: I make the same objection to the admission of these documents taken from the possession of the defendant Cerecedo without his consent, as being a violation of his constitutional rights. I further object on the ground that the evidence offered is irrelevant and immaterial to the issues in this case.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked: Exhibit KKK for the Government.

Q. Please examine this document and state where, when and under what circumstances you have seen it before (handing another paper the witness).

A. This was a document that I seized in Mr. Cerecedo's house on

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September 16th when I made a search of his premises under a search warrant issued by the municipal judge of San Juan.

Mr. Landers: I offer the same in evidence, together with the endorsement thereon.

Mr. Travieso: I make the same objection to the admission of the document and of the endorsement taken from the possession of the defendant Cerecedo without his consent, as being a violation of his constitutional rights. I further object on the ground that the evidence offered is irrelevant and immaterial to the issues in this case.

The Court: The objection is overruled and the paper admitted.

84 Mr. Travieso: Note an exception.

The document in question was then placed in evidence, read to the jury by the District Attorney and marked: Exhibit LLL for the Government.

Mr. Landers: Your Honor is familiar now with the large amount of documents that have been introduced into evidence in this case, and I request at this time that I may be allowed to recall Mr. St. Elmo or any other witness for the purpose of proving anything that I may have overlooked in this examination. There is such a mass of it that I may have overlooked something. I think it is a matter within the discretion of the Court and may be allowed. I don't know that it will come up.

The Court: I will decide that when it comes up on a proper application. I will exercise my discretion. This court is a part of the government in one sense but in another sense it is not. The government has no greater rights before this court than the humblest individual has, and for the purposes of this case or any other criminal case, it is simply a question of two parties before the court and the court will hold the scales equally.

Q. You said this morning in reference to the cablegrams, that you had made translations of those cablegrams seized from Mr. Cerecedo, from the code as contained in these books, and also from the A B C Code fifth edition.

A. Yes, sir.

Q. State what that is (handing a book to the witness).

85 A. The A B C Code fifth edition.

Q. And from that book you made the translations?

A. From one like it.

Mr. Landers: Now, if Your Honor please, I offer the book in evidence for the purpose of showing the correctness of the translations at the time that the cablegrams may be introduced.

Mr. Travieso: No objection.

The code book in question was then placed in evidence and marked: Exhibit MMM for the Government.

Mr. Landers: You may take the witness.

Cross-examination by Mr. Travieso:

Q. Now, Mr. St. Elmo, at the time that you entered the house of

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Mr. Cerecedo to get all these papers, was Mr. Cerecedo present when you took the papers?

A. Upon going in he was not present.

Q. No, at the time of taking the papers.

Mr. Landers: I don't know what the purpose of this line of cross-examination is and I would ask what the attorney expects to show by his line of cross-examination.

Mr. Travieso: Mr. St. Elmo has testified that he went into Mr. Cerecedo's place, that he took a certain number of documents, and I want to know whether the defendant was present at the time or not, simply to show that the papers were taken from his possession without his consent and in his absence.

Mr. Landers: That is the very reason I wanted him to state his purpose. I object to it as incompetent, immaterial and irrelevant. Your Honor has held that these documents wherever obtained are material upon this trial, and any question that goes to the source of these documents is absolutely immaterial in this case. I say that they are precluded from going into that fact. It is another means of getting at the question of whether an illegal search was made, and that is the only purpose of this examination. Your Honor has ruled that the only question that Your Honor will consider is the competency and not the source; that so far as this case is concerned, these documents are before this jury as legally constituted evidence. Now as to the manner of seizure which is foreign to this court, having been seized under a search warrant which was issued by the local court for a violation of a local statute and the defendant being on trial for a violation of a statute of the United States it is absolutely immaterial.

Mr. Travieso: Your Honor has ruled upon the admissibility of the evidence, holding that the evidence is admissible. Now, so far as the parties to this case are concerned, it is binding upon us and we respect the decision of Your Honor, but at the same time that every circumstance of the search and everything that Mr. St. Elmo did in that house from the time that he entered until he came out is open to cross examination. He testified in chief that he entered the premises; that he went to the desk and got some papers; that he went then to a washstand and got more papers and that he found all these lottery tickets and all of that, and I have a right to cross-examine him on anything that he said in chief. I am not seeking to go behind the same point in the case decided for the present, but the circumstances of the case as to what he did and who was there. It may go to test the credibility of the witness. Suppose Mr. St. Elmo testifies that the defendant was absent and I prove later that he was present, I contradict the witness. I have a right to test the veracity of the witness and I have a right to do that as long as I confine myself to the direct examination.

Mr. Landers: It is a well known and fundamental rule of evidence that you cannot attack the credibility of a witness on a collateral issue, and this is a collateral issue whether Cerecedo was present or not. Whether or not Manuel Cerecedo was present when the search was

made it is absolutely immaterial. The only question for Your Ho
to decide was, are these competent, not the source or how they w
obtained.

The Court: The objection is overruled. The government
proved that these documents were obtained under a search warr
by the witness. It seems to the Court that it is correct for
88 defendant to bring out the circumstances of the search.
conceivable that it might be shown that the witnesss fo
other evidence that he has destroyed, or a thousand things are
ceivable, and it looks to me as if the defendant has a right to br
out within limits the nature of the examination that was made.
may ask the question. The objection is overruled.

Q. Now, Mr. St. Elmo, at the time of taking these papers was
Cerecedo present?

A. Yes, sir; he was.

Q. He was present?

A. He and his lawyer was present, Mr. Texidor.

Q. He and his lawyer, Mr. Texidor?

A. Yes, sir.

Q. Did you take any paper or any lottery ticket or anything fr
his possession or from his desk prior to the time of his coming in

A. They might have been taken out of the desk and placed
top of the desk or placed in the hands of the municipal judge,
when they were removed from the store he and his lawyer w
present.

Q. But prior to the removal from the store you had made
search in his absence had you not?

A. He was upstairs when we entered and about three minutes la
he came down and then the search warrant was read to him and th
I arrested him and then the search went on upstairs and it contin
in the lower part of the store where a great many other things w
found.

Q. So you made the search first and then arrested h
89 after the documents were found, did you not?

A. He was upstairs when we entered. He came do
about three minutes afterwards. When he came down the sea
warrant was read to him and then the warrant of arrest was serv
on him and then the search continued below and upstairs at
same time.

Q. On what charge was he arrested by you?

A. For violation of Art. 299, I think, of the penal code of Po
Rico.

Q. Were you the complainant in that charge?

A. Yes, sir.

Q. What was your purpose, Mr. St. Elmo, in getting out a sear
warrant?

Mr. Landers: I object to it as incompetent, irrelevant and imm
terial.

Mr. Travieso: I think that is perfectly pertinent.

The Court: Ordinarily you cannot prove a man's intention.

Mr. Travieso: You can prove it by himself but not by another.

The Court: You can prove it by acts but what is in one's head you cannot get out.

Mr. Travieso: Of course I will be bound by his answer, whatever he says, but I assume that he will tell the truth like every other witness, and I asked what purpose he had in mind: to search for what.

The Court: The objection is sustained.

Mr. Travieso: I take an exception.

Q. Mr. St. Elmo, did you examine those documents before you took them out of the store or did you examine them afterwards?

A. Before I took them out.

90 Q. How long did it take you to examine them?

A. The search began at about seven o'clock in the morning and I got away about eleven, some four hours.

Q. Did you read every one of those documents?

A. I cannot say that I did. I glanced over them and saw whether they referred to the lottery business or not, and, if they did, I passed them over to the municipal judge who was present.

Q. You did that in four hours from seven to eleven?

A. Yes, sir.

Q. Did you keep every paper that you took from [illegible]cecedo's place or did you return some?

A. The municipal judge returned two small note books, that, while they referred to lottery business, they were not important.

Q. Were they returned there while the search was being made or later?

A. Some days later.

Q. After you examined them?

A. Yes, sir; Mr. Cerecedo receipted for them.

Q. Why were they returned?

Mr. Landers: I object to it as immaterial.

The Court: I will hear you. It is a question of intention too.

Mr. Travieso: This witness testified that he took a number of books: now I ask him on cross-examination whether all the books that he took are here or whether some were returned. He says that some were returned. Now to inquire into all the circumstances of the case, I ask him why he returned some and why he kept some. I think it is proper cross-examination to find out all about the

91 search.

The Court: The objection is sustained. The books that were returned are in the defendant's possession and all the others are here.

Q. For what purpose, Mr. St. Elmo, did you take possession of all these books?

Mr. Landers: I object to it, if Your Honor please, as incompetent, irrelevant and immaterial.

The Court: The objection is sustained.

Mr. Travieso: I take an exception.

That is all.

Redirect examination by Mr. LANDERS:

Q. Mr. St. Elmo, when you searched Mr. Cerecedo's house and took these goods did you state whether or not you gave him a receipt?

A. I did not state so, but I did give him a receipt.

Q. I asked you, did you give him a receipt for all the goods you took?

A. Yes, sir; I did. I don't remember now whether I signed the receipt or whether the municipal judge did, but one was given him.

Q. At the time?

A. Yes, sir.

Q. Before taking them out of his house?

A. Yes, sir; in the presence of his lawyer.

Q. Who was present at the time?

A. The municipal judge, myself and Mr. Manuel Cerecedo and his attorney, Mr. Texidor and clerks of his.

Mr. Landers: That is all.

Witness withdraws.

92 Mr. Landers: Now I ask permission to have Mr. St. Elmo stay here in the court room for the purpose of aiding me in this large mass of evidence and documents which have been introduced before the court.

The Court: Is there any objection on the part of the defendant?

Mr. Travieso: I am going to object to having Mr. St. Elmo remain in the court room.

The Court: The request will be refused. It seems to me that would be the safe side.

93 DARIO MAÑON being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?

A. Dario Mañon.

Q. Where do you live?

A. In Santiago de los Caballeros.

Q. What country?

A. Dominican Republic.

Q. What official position, if any, do you occupy in the Dominican Government at the present time?

A. I am a member of the National Congress.

Q. How long have you been such?

A. For six years.

Q. Prior to that time what position, if any, did you occupy in the Dominican Republic?

A. I have been District Attorney and Judge.

Q. Fiscal?

A. Fiscal and Judge.

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Q. Do you know one Jacinto Y. Mañon?
A. Jacinto I. Mañon.
Q. What relation, if any, is he to you?
A. He is my brother.
Q. What profession does he follow in Santo Domingo?
A. Physician. Doctor of medicine.
Q. Which is the older?
A. He is my senior.
Q. Are you acquainted with his handwriting?
94 A. I know it.
Q. How did you become acquainted with his handwriting?
A. I know his handwriting on account of the letters which I received from him in my residence at Santiago.
Q. And having grown up with him—were they raised together?
A. Yes; we were brought up together.
Q. I show you Exhibit F for the Government. Please state whose signature that is.
A. The signature looks like the signature of my brother.
Q. Aren't you positive that that is your brother's signature?
A. I cannot testify that I have seen him affixing or making that signature there.
Q. That is very true, but from your knowledge of his handwriting, are you able to state from your knowledge of his handwriting, and having seen him write, are you able to state that that is his signature?
A. Yes; that is his signature.
Q. And who wrote the body of the letter?
A. That I don't know.
Q. From your knowledge of the handwriting of your brother Jacinto Mañon are you able to state whether or not he wrote the body of this letter? Examine it closely.
A. I cannot testify as to the fact that it is written in his own handwriting because in order to do that it would have been necessary for me to have seen him in the act of writing that letter; but wherever I see a handwriting like that I am bound to say that it looks like his handwriting.
Q. I show you Exhibit G. State whether or not your brother wrote that letter.
95 A. I cannot assure whether he did write that letter, owing to the fact that I did not see him write it.
Q. Tell him we know that he was not present when it was written, but from his knowledge of his brother's writing, state whether or not that is his brother's handwriting.
A. I repeat my previous statement. It looks like the handwriting of my brother, and this is his signature.
Q. And it has been identified before you as the handwriting of your brother?
A. When I was called before the Grand Jury I was asked about that, and I answered that I recognized the signature, and that the handwriting resembled, or looked like his handwriting.
Q. I want him to testify to the same thing here. Now I show

you Exhibit I for the Government. Look at the signature and the body of the letter and state who wrote that, and whether or not it is your brother's handwriting.

A. It looks like my brother's handwriting.

Q. And would you swear that that is your brother's handwriting and signature from your knowledge of his handwriting?

A. I would swear in the sense that if I should receive a letter like this I would be bound to say that it came from my brother, but I cannot swear that I have seen him writing that letter.

Q. Examine that document, Exhibit H for the Government.

A. I repeat the same statement.

Q. I show you again Exhibit G for the Government. Look at the inclosure there and state who wrote that.

A. It looks like his writing.

Q. If you were to receive a letter in that handwriting you would know that it came from your brother; wouldn't you?

96 A. I would say that it came from him.

Q. I show you Exhibit U for the Government. Please examine that and state who wrote it. Look at the writing and the signature.

A. The same thing. It resembles the handwriting of my brother.

Q. And if you received a letter through the mails written in that hand you would immediately say it came from your brother?

A. Yes; that it came from my brother.

Q. What other business is your brother engaged in in Santo Domingo, if you know.

A. I cannot say that for sure because I don't live in Santo Domingo. I only go to Santo Domingo when the Legislature is in session.

Q. Do you know whether or not your brother is engaged, or has anything to do with the lottery business in Santo Domingo?

A. I don't know that.

Q. You don't know from your own knowledge?

A. No sir.

Mr. Landers: Take the witness.

Mr. Travieso: No cross examination.

Witness withdraws.

OTTO TISCHER being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney:

97 Q. What is your name?

A. Tischer.

Q. What is your first name?

A. Otto.

Q. Where do you work?

A. Korber & Co.

Q. In what capacity?

A. Steamship clerk.

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Q. How long have you been working there?
A. Over a year. A year and a half.
Q. The steamship office, you say?
A. Steamship clerk; yes, sir.
Q. Are Mullenhoff & Korber agents for steamships in San Juan?
A. Yes, sir; the Hamburg American Line.
Q. Are they agents for any vessel which plies between San Juan and Santo Domingo?
A. Yes, sir; the "President."
Q. Are you acquainted with Manuel Cerecedo, the defendant here?
A. I know him by sight, yes.
Q. State whether or not you ever sold him a ticket for Santo Domingo.
A. Yes, sir; I did.
Q. What date?
A. I don't remember. I have it here, (referring to a book which the witness holds in his hand). The steamer left May 5th.
Q. On the trip sailing May 5th nineteen hundred and when?
A. Thirteen.
98 Q. For what point?
A. Santo Domingo City.
Q. How much?
A. The fare?
Q. Yes.
A. Twenty dollars.
Q. Did he only buy one ticket?
A. I don't remember. He went together with another gentleman, and I don't remember who paid it. They took one ticket together.
Q. Who is the other gentleman?
A. Luis Galvans. I don't remember who paid it, but I remember having seen Mr. Cerecedo.
Q. There was one ticket issued?
A. Yes.
Q. On which Manuel Cerecedo and Luis Galvans were given transportation?
A. Yes.

Mr. Landers: Now, if Your Honor please, I offer this stub in evidence.
Mr. Travieso: No objection.

The stub book in question was then placed in evidence and marked NNN for the Government.

The Court:

Q. What would you call it?
A. The stub book for tickets.
The stub book in question was then shown to the Jury by the United States Attorney.

Mr. Landers: That is all.
99 Mr. Travieso: No questions.

Witness withdraws.

J. A. GERALDINO being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. J. A. Geraldino.
Q. What nationality are you?
A. Dominican.
Q. How old are you?
A. Thirty-five years.
Q. In what city of Santo Domingo do you live?
A. In the capital.
Q. That is, Santo Domingo city?
A. Yes.
Q. What business are you engaged in, Mr. Geraldino?
A. I am the manager of the Santo Domingo lottery.
Q. What does the Santo Domingo lottery consist of?
A. The Santo Domingo lottery belongs to a charitable institution which supports three institutions—an Insane Asylum, an Asylum for the Destitute, and an Orphanage.
Q. What participation has the Government in the operation of the Santo Domingo lottery?
A. With the proceeds of the lottery those establishments
100 are kept or maintained.
Q. Does the Santo Domingo Government have any supervision over the Santo Domingo lottery?
A. It does. Yes, the Government approves the prospectus and also the transactions with the funds.
Q. Do they keep any inspection over the operation or drawing of the prizes, or anything of that character, or the sale of tickets?
A. Yes, sir; the drawings are held under the supervision of the inspector of lotteries, and besides that a police officer is in charge of it.
Q. Then the Government has supervision, practically, over the lotteries?
A. It does.
Q. And you are manager and administrator under this supervision of the Government?
A. Yes, sir.
Q. Now I show you Exhibit RR for the Government. Please state what it is, if you know.
A. Yes, sir; this is a prospectus of the 15th day of April, and it is approved by the Department of Interior.
Q. Then the conducting of a lottery in Santo Domingo is not prohibited by law?

A. It is absolutely lawful.

Q. This purports to be a prospectus of what lottery? (Referring to Exhibit RR for the Government).

A. One for the Insane Asylum and the other for the Asylum for the Destitutes and the Orphans.

Q. Now, when was this lottery to start in? When was it to
101 have this prize of ten thousand dollars?

A. The 13th of July, 1913.

Q. Then prior to that time I understand from this that the prize was not ten thousand dollars.

A. No, sir.

Q. This, then is an increase?

A. Yes; an increase.

Q. What is the value of the tickets, Mr. Geraldino, in Santo Domingo?

A. The face value, or nominal value is two dollars, but it has ten per cent discount.

Q. Now what are your functions as manager and administrator of this lottery in Santo Domingo?

A. To sell tickets to any person who calls for them or wants to buy them.

Q. How many tickets are drawn in Santo Domingo under this prospectus?

A. Fifteen thousand.

Q. With a capital prize of how much?

A. Ten thousand dollars.

Q. And it is your duty to sell these tickets?

A. Yes, sir.

Q. To whomsoever may apply for them in Santo Domingo?

A. Exactly.

Q. Now do you know Manuel Cerecedo?

A. I do.

Q. The defendant here?

A. Yes, sir.

Q. Did you see him in Santo Domingo in May of last year?
102 A. I don't remember the date, but I know that I saw him in Santo Domingo. It was there where I met him.

Q. And in whose company was he?

A. Alone. He was introduced to me by Mr. Santiago Michelena.

Q. Prior to that time had you any acquaintance with him?

A. No, sir.

Q. Do you know Luis Galvans?

A. I do.

Q. Do you know who accompanied Mr. Cerecedo to Santo Domingo in May of last year?

A. No, sir.

Q. State whether or not you ever saw him in the company of Galvans in Santo Domingo city.

A. No, sir.

Q. Do you know Jacinto Y. Mañon?

A. Jacinto I. Mañon?

Q. Yes.
A. I do.
Q. What business is he engaged in?
A. He is a doctor of medicine.
Q. How long have you known him?
A. I have known him for a long time.
Q. Intimately?
A. Yes. We are friends.
Q. Now, are you acquainted with his handwriting?
A. I am.
Q. Know it intimately?
A. Yes.

103 Q. Please state to the Jury the dates of the drawings of the Santo Domingo lottery that were held during the months of July, August, September and October, beginning with this prospectus which started on the 13th day of July.

A. According to the prospectus there are two drawings held every thirty-five days.

Q. Can he give me the dates of those drawings?

A. Yes, sir; for instance, as it appears there the drawing is held the 13th of July, the 3rd of August, the 17th of August, September 13th, the 21st of September, and the 12th of October.

Q. Now ask him to reflect as to the date of the drawing on September 13th. Is he positive that it was the 13th?

A. From one to the other there is a lapse of fourteen days, and from the other one to the next twenty-one. The 13th of July, the 3rd of August and 17th of August. Having the dates of two drawings you can figure the other drawings in that way, fourteen and twenty-one.

Q. Did you ever sell Dr. Mañon any tickets?

A. Yes. I had a contract with Dr. Mañon for selling tickets to him.

Q. How many tickets did Dr. Mañon take of each drawing?

A. I sold Dr. Mañon for the drawing of the 3rd of August five thousand tickets.

Q. Starting with the drawing of the 13th of July, how many did he sell him?

A. The 13th of July I sold him five thousand tickets.

Q. Now, the third of August?

104 A. On the third of August I sold him ten thousand tickets.

Q. For the drawing of August 17th?

A. For August 17th, and September and October I sold him eight thousand tickets.

Q. Now will you please explain to me what your contract was with Dr. Mañon as to the number of tickets you were to sell him for each drawing?

A. I sold Dr. Mañon those tickets under the obligation not to sell tickets to any other person.

Q. Ask him if he knows why or how it happened that the amount of tickets from the drawing of August third was reduced two thousand for the balance of the year up to October 12th; instead of

being ten thousand it was reduced to eight thousand starting in with August 17th.

A. The amount of tickets which I had left there was five thousand and I could not supply the demands which I had or cover the contracts which I had and then he reduced the amount and ceded me two thousand tickets.

Q. That left him with eight thousand tickets then that he purchased of each drawing?

A. Yes, sir.

Q. He was formerly getting ten thousand?

A. Only one drawing. The third of August he got ten thousand.

Q. Yes, the third of August, and that was reduced then to eight thousand?

A. Yes.

Q. And that was reduced on account of the demand made upon you in Santo Domingo for the purchase of the tickets?

105 A. Yes, sir.

Q. Now when did you enter into this contract with Mañon, Mr. Geraldino?

A. I cannot give you the exact date.

Q. Well, approximately. Was it along about the time this prospectus was gotten out, or prior to that time?

A. Yes, since then it was that we made the agreement.

Q. And that was a lawful agreement under the Santo Domingo laws?

A. Yes, sir.

Q. And in selling those you represented the Santo Domingo Government?

A. Yes, sir.

Q. You made deliveries of these tickets to Mr. Mañon?

A. All the deliveries.

Q. And how were they delivered. In what shape?

A. The five thousand tickets were delivered in packages of five hundred tickets.

Q. State whether or not these tickets were numbered. Were they numbered?

A. Yes, sir.

Q. State whether or not invoices accompanied these tickets.

A. Yes, sir.

Q. Who prepared those invoices?

A. An employee of mine.

Q. What did those invoices show?

A. The numbers of each package.

Q. Of each package? State whether or not it showed the number of each ticket contained in each package.

A. It did.

Q. Now I show you Exhibit HH for the Government. Please examine it and state what it is.

106 A. Yes, sir.

Q. What is it?

A. This represents the numbers in each package.

Q. By each package do you mean a package similar to this package which I show you? (Showing the witness Exhibit NN for the Government).

A. Yes, sir.

Q. How many tickets does that package contain? (Referring to Exhibit NN for the Government).

A. Five hundred.

Q. Now just state to the Jury the manner in which those invoices are made.

A. These invoices are made or divided into thousands, and then you make a proportion of each package to complete the number.

Q. Do they put down the number of the tickets in these packages?

A. Yes.

Q. And mark it down on that invoice?

A. Yes, and I also keep a copy.

Q. And is that invoice sent to Mañon when he buys the tickets?

A. Yes.

Q. For each package?

A. Each package contains a column head. Each package has one of these tabulated statements.

Q. Now I show you a package. You say each package is numbered?

A. Yes.

107 Q. And package No. 10 contains tickets from 201 to 233. Is that correct?

A. Exactly.

Q. And from 1301 to 1333?

A. Yes, sir.

Q. And 2401 to 2433?

A. Yes, sir.

Q. And so on down?

A. Yes, each column represents a package.

Q. Do you know to whom this invoice was delivered?

A. To Dr. Mañon.

Q. With the tickets as represented by this invoice?

A. Exactly.

Q. This shows you how many packages of tickets of five hundred each?

A. Nine on one sheet and seven on the other. Sixteen.

Q. Sixteen packages?

A. Yes, sir.

Q. And you say that this was delivered to Dr. Mañon?

A. These two were made for ten thousand; for the quantity of ten thousand, and when he was willing to cede the two thousand tickets then we cut out this. (Referring to figures crossed out on the document in question).

Q. Who cut that out. Whose marks are those?

A. An employee of mine.

Q. How many copies of invoices did you give to Dr. Mañon at each purchase?

A. Only one.

Q. Now I show you a document here marked II for the Government. State what that is and whether or not you have ever
108 seen it before.

A. Yes. This is the same thing.

Q. And to whom was that delivered?

A. Dr. Mañon.

Q. With tickets for what drawing?

A. For the seventh of September.

Q. I show you another document. (Showing the witness Exhibit FF for the Government). Please state what it is.

A. This is the same thing for the drawing of September 21st.

Q. And to whom did you deliver those tickets?

A. To Dr. Mañon.

Q. Now, Mr. Geraldino, I show you Exhibit EE for the Government. Please state what that is.

A. This is the same thing for tickets of the drawing of October 12th.

Q. October 12, 1913?

A. Yes, sir.

Q. To whom were those tickets delivered?

A. To Dr. Mañon.

Q. In Santo Domingo?

A. Yes, sir.

Q. Under your contract?

A. Yes, sir.

Q. I want you to explain to the Jury now, take package No. 8 for instance, first I show you some tickets (handing the witness Exhibit NN for the Government), did you ever see those tickets before?

A. Yes, sir.

Q. Where?

109 A. In Santo Domingo.

Q. Were those tickets made under your supervision?

A. They were.

Q. How do you know it?

A. In the first place this note (pointing to a notation on the ticket), this is a mark made by me.

Q. Now is there any other mark on it? What mark is this? (Pointing to the ticket.)

A. That is No. 8, the package to which this list corresponds.

Q. What tickets should this contain?

A. Five hundred.

Q. Five hundred of what numbers?

A. From 734 to 766.

Q. Here is a ticket 2944. State whether or not that is in that list.

A. 2934 to 2966.

Q. All the tickets between those two numbers are contained in this package?

A. Yes, sir.

Q. Then 2944 is contained in this package?

A. Yes, sir.

Mr. Landers: I offer in evidence this ticket No. 2944 which is found in package No. 8, the drawing of October 12th.

The COURT: I do not know how to admit it any more.

Mr. Landers: No, I guess you cannot.

Q. Now I show you this package, that one, and that one, and that one, and that one (handing several packages of tickets to the witness). Examine all these packages.

110 A. Witness examines them one by one).

Q. Did you ever see those tickets before?

A. Yes, sir.

Q. Where, when, and under what circumstances.

A. In Santo Domingo, at the time they were delivered to Dr. Mañon, and invoicing them.

Q. They were made under your supervision?

A. They were.

Q. And they are tickets in the Santo Domingo lottery?

A. Yes.

Q. Padre Ballini?

A. Yes.

Q. And were they delivered to Dr. Mañon?

A. Yes, sir.

Q. With this invoice?

A. Yes, sir.

Q. Now for what drawing are they? Drawing of what date?

A. For the 12th of October.

Q. And they consist of part of eight thousand tickets that you sold to Dr. Mañon for the October 12th drawing. Is that correct?

A. Yes, sir. Sixteen packages.

Q. Containing five hundred each?

A. Yes, sir.

Q. I show you some more tickets (handing other lottery tickets to the witness). Examine these, state what they are, and whether you have ever seen them before.

A. Yes; this is the same thing.

Q. They were made under your supervision?

111 A. They were.

Q. They are tickets in the Santo Domingo lottery?

A. Yes, sir.

Q. I show you some more tickets. I show you Exhibit MM for the Government. State what that is.

A. This is a lottery ticket for the 7th of September.

Q. Of the Santo Domingo lottery?

A. Of the Santo Domingo lottery. Of the Padre Ballini lottery of which I am the administrator or manager.

Q. Does your name appear on all of these tickets?

A. On every one of them.

Q. Show it to me.

A. (Witness points out his name on the ticket to counsel).

Q. J. A. Geraldino, administrator. I show you Exhibit LL for the government. Please examine that and state what it is.

A. This is a lottery ticket.

Q. What lottery?
A. Of the Padre Ballini lottery.
Q. Of Santo Domingo?
A. Yes, sir.
Q. Of which you are administrator?
A. Yes, sir.
Q. And a lottery in a country which is foreign to the United States?
A. A foreign country.
Q. I show you Exhibit OO for the Government.
A. The same stuff.
Q. I show you Exhibit E for the Government which contains a miscellaneous number of what purports to be tickets. What are these?

112 A. Lottery tickets.
Q. Of what lottery?
A. Padre Ballini.
Q. Santo Domingo?
A. Yes.
Q. Are you administrator of that lottery?
A. Yes.
Q. And were these printed under your supervision?
A. They were.
Q. Are those part of the tickets that were turned over to Mr. Mañon?
A. I cannot state as to that, as to these particular ones.
Q. I show you some more papers (handing other lottery tickets to the witness), please state what they are.
A. The same thing.
Q. Lottery tickets?
A. Yes, sir.
Q. In what lottery?
A. Padre Ballini.
Q. Of which you are administrator?
A. Yes, sir.
Q. And they were made under your supervision?
A. Yes.
Q. Examine this other package in the same Exhibit. State what that is.
A. Lottery tickets.
Q. In what lottery?
A. Padre Ballini.
Q. Where?
A. Santo Domingo.

113 Q. State what these are. (Showing the witness other tickets from Exhibit E).
A. The same thing.
Q. What dates are those?
A. The 7th of September.
Q. Now please examine these papers and state what they are (Showing the witness other papers from the same Exhibit).

A. These are lottery lists from Santo Domingo.
Q. Showing what? Lists of prizes?
A. The lists corresponding to the tickets which have drawn prizes.
Q. And in what lottery are these lists?
A. Padre Ballini lottery.
Q. For what date?
A. The 13th of July; 29th of June.
Q. What date is that? (Showing another paper to the witness from the same exhibit).
A. Seventh of September, the 17th of August, 3rd of August, and 25th of May.
Q. Where were these made?
A. The lists are printed in Santo Domingo.
Q. Under your supervision?
A. Yes.
Q. Mr. Geraldino, I hand you a document (showing the witness Exhibit C for the Government). Please state whether or not you have ever seen that document before.
A. Yes, sir; this is a contract.
Q. Have you ever seen that document before?
A. Yes, sir; I have seen it as a witness.
114 Q. Where did you see that document before?
A. In Santo Domingo.
Q. Who was present when you saw it?
A. Me. Cerecedo, Dr. Mañon, Luis Galvans and myself.
Q. Was the defendant here, Cerecedo, there?
A. He was.
Q. Who else did you say?
A. Dr. Mañon and Mr. Galvans, and myself.
Q. Did you sign that document?
A. Yes. My own handwriting.
Q. As what?
A. As a witness.
Q. Who signed that? (Pointing to the signature of the document).
A. Dr. Mañon.
Q. Who signed that? (Pointing to another signature on the document).
A. Mr. Cerecedo.
Q. The defendant here?
A. Yes, sir.
Q. How did you happen to sign this as a witness?
A. They came there and asked me to sign that as a witness of that transaction which they had made.
Q. And where did this take place?
A. At the house of Dr. Mañon.
Q. Did you see Mr. Galvans sign?
A. I did.
Q. What date was this signed?
A. I don't remember the date.

Q. Now, Mr. Geraldeno, I show you documents Exhibits F, G, H, I, J, K, L, N, O, P, Q, R, S, T, U, V, W, X, and Z. ease examine the handwriting of these documents and state if u know who wrote them.

A. Yes. These are letters written by Dr. Mañon. But it appears at those letters are addressed to Mr. Hermida, a party unknown me.

Q. But the letters are written by Dr. Mañon?

A. Yes.

Q. And you know that from your knowledge of his handwriting, d having seen him writing?

A. Yes, not having seen him writing those letters, but having n him write.

Mr. Landers: I would ask permission at this time to withdraw witness Mr. Geraldino and put on Mr. Cochran, the Assistant shier of the American Colonial Bank, to identify certain papers that I may examine Mr. Geraldeno with reference to the documents.

The Court: That, I believe, is a matter of discretion.

Mr. Travieso: Saving my right to cross-examine, of course.

Mr. Landers: Yes, certainly.

Mr. Travieso: Then there is no objection.

Witness withdraws.

HERMAN L. COCHRAN being called as a witness in behalf of the vernment, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney:

Q. What is your name?

A. Herman L. Cochran.

Q. What is your business, Mr. Cochran?

A. Assistant Cashier of the American Colonial Bank.

Q. San Juan, Porto Rico?

A. San Juan.

Q. Are you acquainted with Manuel Cerecedo, the defendant e?

A. Yes.

Q. State whether or not the records of your Bank show the purse of three drafts by Cerecedo Hermanos & Company on or about 5th of July, 1913. Are you able to state it?

A. It does.

Q. Your records do show that?

A. Yes, sir.

Q. You were subpœnaed here under a subpœna duces tecum to ng those drafts with you. Have you those drafts?

A. Yes.

Q. Will you please produce them?

A. (The witness produces certain papers from his pocket and ds them to counsel).

Q. I show you a document. State what it is.

A. It is a draft issued by the American Colonial Bank, drawn against the firm of Muller, Schall & Co., New York City, by the firm of Cerecedo Hermanos, Sucesores, for the sum of two thousand dollars.

Q. Of July 5, 1913?

117 A. Dated July 5, 1913.

Q. State what that is. (Handing another paper to the witness).

A. It is a similar document of the same date and other items for the sum of $1,133.50.

Q. What is that? (Handing another paper to the witness).

A. A similar document of the same date for the sum of one thousand dollars.

Mr. Landers: I offer these drafts in evidence, if Your Honor please.

The Court: Any objection?

Mr. Travieso: I object to the admission of this evidence because these drafts are drawn to the order of Cerecedo Hermanos & Co., Sucesores, evidently some firm of this city, and no connection is shown between these and either of the defendants in this case.

Mr. Landers: I will ask just one more question.

Q. Mr. Cochran, you say you are acquainted with Manuel Cerecedo?

A. Yes.

Q. Do you know what his connection is with this firm?

A. He is a member of the firm of Cerecedo Hermanos, Sucesores.

Q. The purchaser of these drafts?

A. The records at this time do not show who paid the money for the drafts.

Q. But he is one of the firm?

A. I understand him to be one of the firm to whom these drafts are payable.

118 Mr. Landers: Now I offer them in evidence.

Mr. Travieso: I renew my objection.

The Court: I admit them subject to being connected up further.

Mr. Landers: We will connect them with the defendant.

Mr. Travieso: Note my exception.

Mr. Landers: I offer the indorsements too on the back.

Mr. Travieso: And my objection is to the indorsements and everything.

The three drafts in question were then placed in evidence, marked Exhibit OOO for the Government, and were read to the Jury by the District Attorney.

Mr. Landers: That is all, Mr. Cochran.

Mr. Travieso: No cross-examination.

Witness withdraws.

J. A. GERALDINO being recalled as a witness in behalf of the Gov-rnment, testifies as follows:

Direct examination by Mr. Landers, United States Attorney, continued:

Q. Mr. Geraldino, I show you three documents marked Exhibit 00 for the Government. Please examine them and state whether not you have ever seen them before.
A. Yes, sir.
Q. Where, and when?
A. These are four drafts which were turned over to me by Dr. Mañon.
Q. Ask him how many drafts.
A. Three.
Q. Turned over to you by whom?
A. By Dr. Mañon.
Q. What for?
A. To pay for the first lot of tickets in July.
Q. How many tickets?
A. Five thousand tickets at nine thousand dollars, and the bal-ce was paid to me in tickets which had drawn prizes.
Q. Please examine that signature on the three documents and te if you know whose signature it is. (Referring to indorsements the back of the drafts.)
A. One is of Cerecedo, the other one below is Dr. Mañon, and e other one further down is my signature, and the other one at e end is the signature of the firm Muller, Schall & Co.
Q. Now the balance of the nine thousand dollars was paid by ze-winning tickets?
A. Yes, sir.
Q. How long have you been in the lottery business, Mr. Ger-leno?
A. The lottery has been in our hands for thirty-four years. My her was in charge of it until 1910, and from 1910 to date I have en in charge.
Q. Now in lottery parlance what do the words "listones, result-o," and "postal" mean, if you know?
A. I don't understand that.
Q. Do you know what "productos" means?
A. Neither.
Q. Do you know Andrés Grillasca?
A. I met him sometime ago in San Juan.
Q. Did you see him in Santo Domingo in June of last year?
A. I saw him once in Santo Domingo, but I don't recollect the e.
Q. Do you remember who he was with?
A. No.
Q. Did you see him with Mañon?
A. No, sir.
Q. Do you know Carlos Valle, the gentleman sitting back there? pinting to one of the defendants.)

A. Carlos Valle, I met him on the wharf in Santo Domingo on a certain occasion as a matter of curiosity; when his little vessel came there, upon seeing a small craft there with the American flag, as a matter of curiosity I went down to see it.

Q. Did you ever see him in company of Mañon in Santo Domingo?

A. No, sir.

Q. Who is Luïs Galvans who signed that contract as a witness?

A. He is a Dominican. His brother publishes a certain review in the States. I don't remember the name.

Q. How many times did you see Carlos Valle in Santo Domingo city during last summer?

A. Only once.

Mr. Landers: You may cross-examine.

Cross-examination by Mr. Travieso:

Q. Now, Mr. Geraldino, you stated when you looked at these drafts that the signature on the back of one of them was the sig-
121 nature of Mr. Cerecedo. How do you know that it is the signature of Mr. Cerecedo?

A. Because the same signature appears in the contract, and besides that I have his signature on a promissory note which is in the possession of Dr. Mañon, and it appears signed with the same signature of Cerecedo Hermanos.

Q. Have you compared that signature with the signature on the promissory note?

A. I have seen them and they look like the same signature.

Q. But have you seen them together, have you compared them?

A. Not together.

Q. So all you can say is that it looks to you like the signature of Mr. Cerecedo, isn't that so?

A. Yes.

Q. You didn't see him indorse that note, did you?

A. I did not.

Q. Now you say that you have been manager of the lotteries since 1910, I understood?

A. Yes, sir.

Q. Now, during the time that you have been manager, has it ever come to your knowledge that false tickets were being sold, false lottery tickets?

Mr. Landers: I would like to know what the purpose of it is.

Mr. Travieso: The witness by looking at packages of tickets has testified that they are lottery tickets of Santo Domingo. Now
122 if they are false, they would not be evidence against the defendants. Now my question goes to test the sureness of his testimony.

Mr. Landers: I withdraw the objection.

The Court: Ask the question.

A. No, sir.

Q. You never heard that forged tickets were circulated?
A. No, sir.
Q. Those tickets were in that shape when they left Santo Domingo, with those holes in them? (Referring to Exhibit N N for the Government.)
A. No, sir. They were forwarded in perfect condition.
Q. Now how can you say positively that they are the same tickets that left Santo Domingo by merely looking at the wrapper?

Mr. Landers: I submit that he did not say that those are the same tickets that left Santo Domingo. He testified that they were the same tickets that were sold to Dr. Mañon.
Mr. Travieso: The witness said that they were Santo Domingo lottery tickets issued by him, and he said that by merely looking at the wrapper.
Mr. Landers: I will withdraw my objection.
The Court: Ask the question.

A. Because these tickets bear a recognized mark placed there by an employee of mine.
Q. Where is the mark on the ticket or on the wrapper?
A. On the wrapper.
Q. Is there anything on the ticket that helps you to identify it as one issued under your authority?
123 A. Yes, sir. The tickets bear on their face the name of the enterprise which issues them.
Q. Now did you try those tickets by looking at the light before you said that they were Santo Domingo tickets?
A. No, because I have recognized them by the cover which they have.
Q. So the mark on the wrapper was sufficient to allow you to testify as you did then?
A. Yes, sir.
Q. Now you said that you signed as a witness the contract said to have been executed between Dr. Mañon and the defendant Cerecdo?
A. I did.
Q. Now did you know what the tickets sold by you to Dr. Mañon were for?

Mr. Landers: Objected to as incompetent, irrelevant and immaterial. It doesn't make any difference whether he knew where these tickets were going to. He committed no crime against the United States. It was absolutely lawful and part of his duty to sell those tickets in Santo Domingo, and he did sell them to Dr. Mañon. Now if Dr. Mañon goes and violates a statute of the United States it is nothing to this witness.
The Court: I will hear you, Mr. Travieso.
Mr. Travieso: The witness testified that he had made a con-
124 tract with Dr. Mañon for the sale of a certain number of tickets of each lottery. He has testified that he signed the alleged contract between the defendant and Dr. Mañon. Now my intention in asking him if he knew what Dr. Mañon, one of the supposed par-

ties to the illegal contract, if he knew what the tickets were wanted for, is to establish a connection between him and the defendants in this case in order to show if his testimony is true, and if the contract is true this witness is connected with the alleged conspiracy. In that case he would be a co-conspirator, and his testimony would have to be corroborated before it would have any effect against the defendant. I claim that if he knew that the tickets were being sold for the purpose of being sent into American territory he was a party to the conspiracy, and my intention in asking this question is to establish a connection between him and the commission of the alleged offense, to show that he is a co-conspirator, and then to inquire why he has not been prosecuted, and why he is testifying in this case, and under what terms.

The Court: Would that not be asking him to incriminate himself?

Mr. Travieso: I may ask him what he did in this case.

125 He may go as far as his right not to testify against himself. He may say I will not answer that question because it will incriminate me.

Mr. Landers: Their whole object is this; to show that Geraldeno is an accomplice.

(The Jury is requested to withdraw from the court room during the argument).

The Court: Suppose he could not be punished. Suppose he was without the jurisdiction of the United States, or that the United States had no power to punish him. Would that make any difference?

Mr. Travieso: They could punish him as soon as he came into the jurisdiction of the United States and the point that I am driving at is to find out why he is here, and under what promises.

Mr. Landers: I will state to Your Honor that I have gone into this case from start to finish, and there has not been any testimony of any kind, character or description to show that this man Geraldeno has committed a crime or attempted to commit a crime.

Mr. Travieso: It is not necessary to be a party to the overt act to be liable.

The Court: In the case at bar the question was asked the witness Geraldeno as to whether he knew what was to be done with

126 the tickets, or something to that effect. It was objected to by the Government, and upon discussion it was developed that the object of the question and the questions which would follow was to bring out the fact that Geraldeno was an accomplice, so that the question of weight of evidence and corroboration could be brought into the case. It was also stated that the matter of accomplice would rest upon his selling these tickets to one of the defendants knowing that they were to be carried into United States territory. I understand that that is the fact which would make him an accomplice.

Mr. Travieso: If he had that knowledge I claim that that would make him an accomplice.

The Court: Is it your contention that knowing that they were to be so used makes him an accomplice?

Mr. Travieso: My point is this; that if this man knew that the

lottery tickets that he was going to sell were wanted for the purpose of violating a statute of the United States, when he furnished the tickets, by that act he became a party, to the illegal contract if there was any.

The Court: There is nothing else intended to be shown, so
127 far as relates to this witness except the fact of knowledge how the tickets he was selling were to be used?

Mr. Travieso: That is all.

The Court: As I understand that is the limit of your contention.

Mr. Travieso: That is the limit of my contention.

The Court: The Court thinks that that would not be sufficient to constitute him an accomplice. He was an officer of the Dominican government whose duty it was to sell lottery tickets, and under the Dominican law, whatever may be the American law, there was nothing illegal in selling lottery tickets. And the Court would hold that whether he knew or not what use was to be made of the tickets after the sale was completed, it would not make him an accomplice, that there could be nothing criminal in selling the tickets in the limits of Santo Domingo. It is expressly made a legal transaction, so that there was no criminal intent in selling the tickets in Santo Domingo, whether he knew that the party was going to take them somewhere else or not, so that the Court will sustain the objection. It would be somewhat analogous, for instance, to a train robbery where a conductor or an express messenger, we will say, at
128 the point of a pistol opens a safe. He actually participates in opening the way for the robbery, but he does it without any criminal intent, and it is the criminal intent that is necessary to make one accomplice in anything. If there is nothing criminal in the intent, the act which incidentally helps somebody else does not make him an accomplice.

Mr. Travieso: Note my exception.

Q. Now, Mr. Geraldeno, what was the amount of the first prize of the lottery corresponding to those tickets that you examined yesterday?

A. Ten thousand dollars.

Q. Has the first prize been ten thousand dollars always?

A. That was the first drawing.

Q. But since when?

A. Since the 13th of July.

Q. What was the amount of the first prize prior to July 13th of last year.

A. I think it was five thousand dollars.

Q. How long have you been in Porto Rico, Mr. Geraldeno?

A. At this time since the 26th of last month.

Q. Did you come to Porto Rico on business?

Mr. Landers: Now, if Your Honor please, I would like to know the purpose of this line of cross-examination.

The last question was read by the stenographer at the request of the Court.

The Court: I do not think that the witness is bound to answer

that question. So far, I do not know, of course, what is in-
129 tended to be brought out, but I think he is entitled to find out something about the witness.

Mr. Travieso: I think I am entitled to know what the witness is in Porto Rico for.

The Court: I do not care to hear from you. I am with you.

A. No, sir.

Q. What did you come for?

A. I was summoned here, or called here.

Q. To testify in this case?

A. I received a telegram from my companion Dario Mañon calling me, and I immediately came over.

Q. Did he call you in the name of some officer of the law, or in his own name?

A. I don't know. He called me. I received his cablegram and I came.

Q. So you received a telegram from Mr. Mañon, and you came. What did he call you for?

A. He was here under bond. He was not familiar with the business and he wanted me to come to testify.

Q. What business?

A. The Cerecedo affair.

Q. So your trip was connected with the matter of the lottery, was it not?

A. Yes, sir.

Q. Were you not afraid, Mr. Geraldeno, that you might be prosecuted if you came to Porto Rico, in this same case?

Mr. Landers: This is an improper question in the face of
130 the ruling of Your Honor.

Mr. Travieso: My purpose in all this line of cross-examination is to show the interest that the witness has in testifying in this case. Now the interest that a witness may have in a case goes to his credibility.

The Court: I agree with you in that, and that was what I had in mind. But asking a witness if he is not afraid he will be prosecuted if he goes to a certain place is not along that line. I sustain the objection to that question. There may be some other that is proper, but to that one it will be sustained.

Mr. Travieso: Note my exception. That is all.

Redirect examination by Mr. Landers:

Q. Mr. Geraldino, you stated, on cross-examination, that the tickets were not in that shape when they left Santo Domingo?

A. No.

Q. What has been taken out of these tickets?

A. The numbers.

Q. That belonged in the center?

A. Yes, sir.

Q. Now state what, if anything, occurred with reference to the capital prize of August 17th.

A. The capital prize of the lottery for August 17th is under custody of the Court in Santo Domingo.

Q. For what purpose?

131 Mr. Travieso: I am going to object to this man testifying as to the contents of proceedings pending before a court in Santo Domingo. The best evidence would be a copy of the process of the court in reference to a lottery ticket, or a certified copy of the proceedings. But this man is testifying as to the contents of proceedings now pending in a court in Santo Domingo. Oral evidence would — inadmissible.

Mr. Landers: I only want him to testify whether or not proceeding was had over there by which he was restrained from paying a certain capital prize. I am not trying to get at the contents.

The Court: You expect to prove that certain proceedings were taken to restrain him from paying the capital prize?

Mr. Landers: Yes, sir; and I will follow that up by other witnesses, if Your Honor wants me to state the purpose; I don't like to state it in front of the Jury.

The Court: The first question would be whether you can get at it by this secondary evidence. That is the objection so far.

Mr. Travieso: And also that it is immaterial to the issue.

Mr. Landers: It is primary evidence that the proceeding
132 was started against him, but what the pleadings consist of I don't intend to prove by this man, but only that he was restrained from paying a prize. If a man sues me in court I can testify to that orally.

The Court: Of course if you want to prove the contents of a legal proceeding like any other written paper it would have to be done by the best evidence. But here is a collateral matter which is not in issue in this case, what was in that proceeding. It is simply the fact that this man did or did not do something in consequence of a proceeding.

Mr. Travieso: If it is the mere fact that the injunction was filed against him; to restrain him from paying a prize, that would be a different question. But if the District Attorney proposes to show the grounds of the suit and all of that——

Mr. Landers: No, that is not the purpose of the question. I will change the question.

Q. State whether or not any proceedings were taken in Santo Domingo before the Court to restrain you from the payment of the capital prize of August 17th.

A. Yes, sir.

Q. Who started that proceeding?

133 A. Dr. Mañon.

Mr. Landers: That is all.

A Juror:

Q. The witness has sworn that there has been no trouble with lottery tickets in Santo Domingo. I would like to ask him if

between July 1913 and December 1913 the Santo Domingo lottery people did not have trouble with lottery tickets?

A. None at all in Santo Domingo. What kind of trouble do you mean?

Q. Well, claims for prizes on tickets that had drawn prizes.

A. All tickets which had drawn prizes and which have been presented were paid.

Q. Weren't there other demands made on other numbers that had not drawn prizes?

A. It appears that they circulated down here two or three forged lists for the drawing of October the 12th.

Q. That is what I wanted to know. He said that he had no trouble.

A. It was for that reason that I asked you what you meant by trouble.

Q. I would like to ask him if he knows whether any duplicate lottery tickets were printed and circulated here. Fac simile of the Santo Domingo lottery tickets.

A. Not tickets; lists.

Q. No tickets were presented then?

A. No, sir.

Mr. Landers: That is all.

Witness withdraws.

134 ALLEN PERKINS, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?

A. Allen Perkins.

Q. What is your business, Mr. Perkins?

A. I am employed by the West India and Panama Cable office.

Q. How long have you been employed there in the San Juan office?

A. About seven years.

Q. In what capacity?

A. I have been clerk seven years.

Q. In what capacity are you employed at the present time?

A. Chief clerk.

Q. In what capacity were you employed last summer?

A. Chief clerk.

Q. I show you some cables. Please examine them and state whether or not they were received through your cable office. (Handing several papers to the witness).

A. These are all genuine cables.

Q. Originals which were received from your office?

A. Received at our office.

Q. Now I show you some other cables. Please state what they are. (Handing the witness several other papers).

A. These are also genuine cables.

Q. And state whether or not these cables were sent to the address and to the person and city mentioned in the cable.

135 A. They were sent to our next station and I believe they must have been delivered all right; that I could not tell you.

Q. And these were received at your office and delivered to the addressee?

A. They certainly were. They were signed for on the back.

Q. On the back of each one of them? What is the custom at your cable office with reference to the receipts?

A. To deliver the message and have the person who receives them sign for them.

Mr. Landers: Now, if your Honor please, I offer in *in* evidence seven cables addressed to Cerecedo, San Juan, together with the receipt on the back, and their translations.

The Court: Any objection?

Mr. Travieso: Are these cablegrams supposed to have been taken from Mr. Cerecedo's house?

Mr. Landers: No, sir; they came from the cable office.

Mr. Travieso: I object to the materiality of the evidence. They do not establish any issue in the case, even after translation.

The Court: The objection is overruled.

Mr. Travieso: Are these supposed translations of the cables offered also?

Mr. Landers: Yes, I proved this the other day, that they were made by Mr. St. Elmo.

Mr. Travieso: I object also to the admission of the translations, even though made by Mr. St. Elmo.

136 The Court: What is the testimony about the translations?

Mr. Landers: Mr. St. Elmo testified the other day that he made the translations from the A B C Code and from the code which he found in Mr. Cerecedo's possession.

Mr. Travieso: Mr. St. Elomo has translated that from the A B C and from an alleged code said to have been found in Mr. Cerecedo's papers. Now, it being a fact that there are a great number of codes in use all over the world, the fact that Mr. St. Elmo selected the A B C code to translate these cables should not be binding, because those cables might have been sent with another code than the A B C. And unless there is evidence to show that they should be translated by the A B C code the translations should not be admitted.

The Court: As I understand it, the witness St. Elmo has testified that a code has been found on the Cerecedo premises, and he testified further that he has used that code in attempting to translate these cables which are addressed to Cerecedo. The result he has annexed. They are pinned to the particular cables.

137 Now that may not be conclusive, but it is evidence having a tendency to affect the issue in this case, and as all matters of conspiracy are proved, from the necessity of the case, according to 7 Cowan 435, by circumstantial evidence, it looks to the Court as if this should be admitted. Of course if the defense can show

that by taking some other code, it relates to some entirely different matters, that would be a matter to be passed on when it comes up, but at present it looks as if it had a tendency to throw light on the issue in the case.

Mr. Travieso: Note an exception.

The cables in question were then placed in evidence and marked Exhibit PPP for the Government.

Q. What is that book you have in your hand?

A. It is a book of transient addresses, people just passing through the Island, and good names.

Q. State whether or not you have the name of Herda in that book?

A. We have such an address in this book.

Q. Let me see it, please?

A. (Witness turns to it).

Mr. Landers: Now, if your Honor please, I offer this cable address with its signature.

The Court: Any objection?

Mr. Travieso: I object to the admission of this address
138 offered because it does not show anything material to the issue in this case. It is not in any way connected with the defendant Cerecedo or any other of the two defendants, and unless it is connected it should not be admitted.

The Court: What is the relevancy of this?

Mr. Landers: You will remember, if Your Honor please, that there was a code word contained in a letter from Mañon in which he advised Cerecedo to use the name of Herda in cabling to each other, and he would use the name of Ignacio. Now we will show that cables went from Cerecedo through the cable office from 46 San Francisco Street under the name of Herda, the same address given there.

Mr. Travieso: There is nothing to show that that address was written by Mr. Cerecedo or by his authority, or by his order, and the fact that it appears in the cable book should not bind him.

Mr. Landers: There is the fact that he acted on this himself.

The Court: The objection is overruled. It may be that unless it is connected up further I would have to strike it out.

Mr. Travieso: Note an exception.

The page from the book of addresses in question was then placed in evidence and marked Exhibit QQQ for the Government.

139 Q. Please examine those documents and state what they are. (Handing other papers to the witness). What are those?

A. Those are forwarded messages.

Q. Received at the San Juan office?

A. Received at the San Juan office and dispatched.

Q. Of the West India and Panama Cable Company?

A. Yes.

Mr. Landers: I offer them in evidence together with the translations and the indorsements on the back.

The Court: Who made the translations?

Mr. Landers: Mr. St. Elmo, according to his testimony the other day.

Mr. Travieso: I object to the admission of those telegrams. They are not signed by any of the defendants in this case, and should not affect any of them unless they are connected in some way with the defendants or unless it is shown that either of the defendants deposited them for transmission in the cable office.

The Court: Admitted provisionally.

Mr. Travieso: Note an exception.

The telegrams in question were then placed in evidence and marked Exhibit RRR for the Government.

Mr. Landers: That is all.

Mr. Travieso: No cross-examination.

Witness withdraws.

140 MANUEL RODRIGUEZ, being called as a witness in behalf the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?
A. Manuel Rodriguez.
Q. What is your business?
A. Government employee.
Q. In what capacity?
A. Superintendent of Insular Telegraph.
Q. Please examine those documents and state what they are. (Handing several papers to the witness).
A. They are telegrams.
Q. Originals, or duplicates, or copies, or what?
A. The yellow ones are original telegrams.
Q. Well, are those the original ones?
A. Yes, sir; the whites are translations.
Q. But the yellow ones?
A. Are original telegrams.
Q. They are original telegrams?
A. Yes, sir.
Q. And were received where?
A. They were sent to Ponce.
Q. Where were they received?
A. They were received at the San Juan office.
Q. All of them received at the San Juan office?
A. Yes, sir.
Q. And dispatched from the San Juan office?
A. Yes, sir.

141 Q. Examine those and state what they are. (Handing the witness several other papers).

A. They are original telegrams, too.

Q. Received where?
A. Ponce.
Q. By the Insular telegraph?
A. Yes, sir.
Q. For transmission?
A. Yes, sir; to San Juan.
Q. And what are these? (Handing other papers to the witness).
A. These are messenger delivery receipts.
Q. Showing the receipt of these telegrams? (Referring to the last batch of telegrams handed to the witness).
A. Is the delivery of these telegrams.
Q. To the addressee?
A. In San Juan, yes, sir.

Mr. Landers: First I offer the San Juan telegrams in evidence, having been sent from the San Juan office. I also offer the telegrams received at the Ponce office together with the delivery sheet showing the receipt by the addressee.

Mr. Travieso: I object to the admission of each and every one of the telegrams offered signed Manolo, Cerecedo, and so on, unless they are shown to have been written by the defendant Cerecedo or by one of the defendants in this case, or unless it is shown that they were sent to the telegraph office by one of the defend-
142 ants. I further object on the ground that they do not tend to prove any of the issues in this case.

The Court: The objection is overruled and the papers are admitted.

Mr. Travieso: Take an exception.

The batch of telegrams deposited in the San Juan Office and sent to Ponce, together with their translations were then placed in evidence and marked Exhibit SSS for the Government and were read to the Jury by the District Attorney.

The batch of telegrams deposited in the Ponce office and forwarded to San Juan, together with their translations, and the messenger delivery receipts identified by the witness were then placed in evidence and marked Exhibit TTT for the Government and read to the Jury by the District Attorney.

Witness withdraws.

JESUS TORRES, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?
A. Jesús Torres.
Q. What do you do? What is your occupation?
A. Well, I receive telegrams at the telegraph office.
143 Q. San Juan?
A. The San Juan office, yes.
Q. How long have you been employed there?
A. About two years.

Q. Now, what is the custom on receiving a telegram?
A. It is the custom that when a person puts a telegram he should leave his address.
Q. That is the regular custom that has been carried out in the San Juan office?
A. Yes.
Q. Now examine these telegrams and state whether or not you received any of those telegrams, the yellow one. These are translations, (referring to the white papers). State what one you received. (showing the witness Exhibit SSS for the Government).
A. I received all of these (indicating certain of the telegrams in question).
Q. You received these?
A. Yes.
Q. Can you state who brought those in; the address of the sender of the telegram?
A. Well, I don't remember.
Q. Did you make any note at the times the telegrams were delivered to you?
A. Yes, I did. I put it here (indicating).
Q. That note that you made on there, was it made there as a result of inquiry to the person who brought it?
A. I asked the address of the person who signed, and he told me.
Q. And from that information you got that?
A. Yes.
144 Q. What did you put on there?
A. Cerecedo Hermanos.
Q. On all of them?
A. No. This one is signed Cerecedo, and therefore I needed no address. And this is signed San Francisco 46. The person who brought it told me that the address was San Francisco 46; that that was the address of Manolo.
Q. Do you know Manuel Cerecedo?
A. Yes, sir.
Q. Is that the man?
A. Yes, sir.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. Now, Mr. Torres, you say that when a person delivers you a telegram and gives you his name you write it on the telegram?
A. Yes, sir.
Q. In this telegram here it says 46 San Francisco Street. Why did you put that address in there?
A. Because the person who delivered the telegram told me that address.
Q. Who was that person?
A. I don't remember.
Q. You don't remember?
A. No.

Q. So you could not tell at this time that it was Mr. Cerecedo?
A. No.
Q. Could you swear to that?
145 A. No.
Q. You could not?
A. No.
Q. So that if I should go to your office as telegraph clerk and hand you a telegram, and you would ask me the address, and if I said to you 46 San Francisco, you would write that?
A. Yes; I would do it.
Q. Even though it was not my address?
A. Yes.

Mr. Travieso: That is all.
Mr. Landers: That is all.

Witness withdraws.

ROSA COLL, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney (interpreted):

Q. What is your name?
A. Rosa Coll.
Q. Where do you live? In San Juan?
A. Yes.
Q. What is your occupation?
A. Insular Telegraph.
Q. Do you know the custom in the San Juan telegraph office in receiving telegrams, as to whether or not you inquire the address of the sender of the telegrams?
146 A. We have instructions to inquire always as to the address of the person who forwards the telegrams, so as to be able, in case it is not delivered, to notify them.
Q. How long have you worked in the telegraph office?
A. Three years.
Q. Please examine these telegrams and state whether or not you have seen them before, or whether they were received by you. (Handing the witness part of the telegrams contained in Exhibit SSS for the Government).
A. These have been received by me.
Q. And what did you place on them, if anything?
A. The address.
Q. What direction did you put on those?
A. In one I put Cerecedo, and in another one San Francisco, No. 50.
Q. From whom did you get that information?
A. The person who took the telegram.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. Who was that person who delivered those telegrams to you?
A. I don't remember that.
Q. So you could not tell now at this time who told you to put Cerecedo and San Francisco 50 on those telegrams?
A. No; so many people come in there, how could I recollect it?

Mr. Travieso: That is all.
Mr. Landers: That is all.

Witness withdraws.

147 DONALD E. RICHARDSON, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?
A. Donald E. Richardson.
Q. What official position, if any, do you occupy in Porto Rico?
A. Collector of Customs.
Q. Were you collector of customs during the year 1913?
A. I was.
Q. What is the modus operandi for boats clearing for foreign ports from Porto Rico.
A. They should come to the Custom House and take oath before the Deputy Collector, and swear to the manifest and obtain the proper clearance.
Q. Do you know the sloop "Vencedor"?
A. I do.
Q. Who was Captain of that sloop during the year 1913?
A. Carlos Valle.
Q. What was she sailing under, a register or a license?
A. She was sailing under a license.
Q. Please explain the difference between sailing under a license and under a register.
A. A vessel sailing under a license is what is known as permitted to go coast-wise but not to go to a foreign port. Before sailing foreign it is necessary for her to make application to the Custom House to be registered to go foreign.
148 Q. State whether or not application was made to the Custom House to change the register in June.
A. There was.
Q. For what purpose?
A. For the purpose of going foreign.
Q. Was that request granted?
A. It was.
Q. On what date?
A. On June 24th to the best of my recollection; on June 9th.
Q. Have you the register here?
A. The register is turned in to Washington. The record of the register is at the Custom House.

Q. Do you know where the "Vencedor" sailed from on that trip in June?
A. My recollection is she sailed from Ponce.
Q. You have not got the documents?
A. I have the documents here.
Q. State whether or not the "Vencedor" sailed from San Juan on or about the 30th of July, 1913.
A. She did, to the best of my recollection.
Q. Well, have you got the documents?
A. I have.
Q. Look at the documents and let me see them.
A. (The witness hands several papers to counsel).
Q. What is this? (Handing a paper to the witness).
A. It is a manifest; there is the outward and inward manifest.
Q. On what date did she sail?
149 A. On July 29, 1913.
Q. For where?
A. For Santo Domingo City.
Q. What cargo did she carry, if any?
A. Ballast.
Q. When did she return?
A. She returned and entered Mayaguez with ballast on August 8th.
Q. Who was captain during that time?
A. Carlos Valle.
Q. What is the size of the "Vencedor"?
A. Seven tons.

Mr. Landers: I offer this outward and inward manifest in evidence, if Your Honor please.
Mr. Travieso: No objection.
The two papers in question were then placed in evidence and marked Exhibit UUU for the Government.

Q. Did she make any other trips from San Juan?
A. On September 17th.
Q. She cleared from San Juan?
A. She did.
Q. Where for?
A. La Romane.
Q. Santo Domingo?
A. Santo Domingo.
Q. With what cargo?
A. General cargo. Do you want a list? 5 cases of hardware, 5 beds, 20 mosquito nets, 20 cots, 6 mattresses.
Q. Household furniture?
150 A. I judge so from the description.
Q. And who was Captain during that trip?
A. Carlos Valle.
Q. When did she return?
A. She returned October 5th to Mayaguez in ballast.

Mr. Landers: I offer this in evidence.

Mr. Travieso: No objection.
The Court: Admitted.
The documents in question were then placed in evidence and marked Exhibit BBB for the Government.

Q. Did she make any other trips from here?
A. She made one in June.
Q. From where?
A. From San Juan; from Ponce I should say.
Q. What date?
A. June 11th she cleared for Santo Domingo City.
Q. When did she return? or how did she go, with a cargo?
A. With a cargo of onions; 25,000 pounds.
Q. When did she return?
A. She returned to Ponce in June; I haven't the papers.
Q. Did she return in ballast?
A. She returned in ballast, to the best of my recollection.
Q. Have you the documents?
A. I have the documents on her outward but not the inward manifest.

Mr. Landers: I offer them in evidence.
Mr. Travieso: No objection.
The documents in question were then placed in evidence and marked Exhibit WWW for the Government.

151 Q. During all this time Carlos Valle was Captain of the ship?
A. He was.
Q. Did she make any other trips after these three you have mentioned?
A. Not to my knowledge.
Q. What became of her? Where is she now?
A. She is in the hands of the Court.
Q. She has been seized by you, hasn't she?
A. Yes.
Q. And is at Mayaguez now, tied up?
A. Yes; pending the libel.
Q. Do you know the Santo Domingo boat Jacaguas?
A. Yes, a small steamer.
Q. What is she, a Government vessel?
A. She was designed for government transportation.
Q. When was the last time she was in here?
A. I have a note if I may refer to it.
Q. Yes.
A. November 22, 1913.
Q. When was the time prior to that?
A. That is the only trip that we have on record.
Q. The only trip you have on record down there?
A. Yes.
Q. November 22, 1913?
A. Yes, from St. Thomas in Ballast.
Q. And she cleared from here for Santo Domingo?

A. For St. Thomas, November 29, 1913, in ballast.
Q. Have you power of attorney down in the Custom House signed by Manuel Cerecedo?
152 A. I have.
Q. Have you got it with you?
A. I have.
Q. Produce it, please.
A. (Witness produces document and hands it to the District Attorney).
Q. This has been filed in the Custom House as an official document?
A. As an official document.
Q. By the defendant Manuel Cerecedo?
A. By his firm.
Q. And signed by him?
A. Yes.
Q. This came to you in the course of your official duty?
A. Yes.

Mr. Landers: That is all.
Mr. Travieso: No cross-examination.

Witness withdraws.

DAMIAN MONSERRAT, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney (interpreted):

Q. What is your name?
A. Damian Monserrat.
153 Q. What is your profession?
A. Lawyer and Notary.
Q. How long have you been a Notary?
A. Fifteen years.
Q. Examine this document and state whether or not it was executed before you as Notary Public. (Handing a paper to the witness).
A. Yes. This is my signature.
Q. Who signed that name there?
A. Manuel Cerecedo.
Q. The defendant?
A. Yes; that gentleman sitting over there (indicating the defendant Cerecedo).
Q. He signed it in your presence?
A. He did.

Mr. Landers: Now I offer it in evidence, if your Honor please.
Mr. Travieso: No objection.
The Court: Admitted without objection.
The power of attorney in question was then placed in evidence and marked Exhibit XXX for the Government.

Mr. Landers: That is all.
Mr. Travieso: No cross-examination.

Witness withdraws.

154 HAYDON L. MOORE, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?
A. Haydon L. Moore.
Q. What official position do you occupy in Porto Rico?
A. Deputy Collector of Customs at Ponce.
Q. How long have you been such?
A. About four years.
Q. Were you Deputy Collector, and in charge at Ponce during June of last year?
A. I was.
Q. Do you know the sloop "Vencedor"?
A. I do.
Q. Are you acquainted with the defendant Carlos Valle?
A. I have seen him.
Q. Do you know the defendant Manuel Cerecedo?
A. Yes.
Q. Do you know Andrés Grillasca?
A. No. I have seen him.
Q. State whether or not the "Vencedor" made application to you for permit to go foreign, on June 11th, I think, 1913.
A. The Captain, Valle, made application at our office on or about June 6th, but I had to send his license to San Juan to have it changed. It did not return so that he could clear until June 11th, on which date he cleared from Ponce with a small cargo of onions in bond from the warehouse for Santo Domingo City.

155 Q. To what city? Santo Domingo City?
A. Yes, sir.

Q. Whose cargo was that aboard the ship, do you know?
A. That belonged to Bonnin & Company, drawn from warehouse under exportation bond. This is the crew list; this is a copy of the crew list in our files. This is the outward manifest. (Producing papers and handing them to the District Attorney).
Q. What is this? (Handing a paper to the witness).
A. This is the entry on returning from Santo Domingo later on.
Q. What date did he return?
A. He returned on June 21st.
Q. And in ballast?
A. In ballast.
Q. And this is the entry?
A. And this is the entry and the oath. And this is the manifest.
Q. Did you have any conversation with him on his return from Santo Domingo?
A. Yes.

Q. Now what conversation did you have with him?

A. On returning?

Q. Yes. Did you have any conversation with him on his departure for Santo Domingo?

A. Yes. I asked him what he expected to bring back from Santo Domingo; he told me a load of rough lumber, such as fence posts or something like that, and I told him to be careful about lottery tickets, and his vessel would be searched, and his crew would
156 be searched if he came into Ponce, just to warn him not to get into any trouble. Seeing that he returned in ballast, I asked him why he didn't bring back the lumber that he expected to bring, and he told me that there was none ready at the port of Santo Domingo, and he didn't care to wait for it, and therefore he returned without it.

Q. What, if anything, did he say about having come direct from Santo Domingo City to Ponce without stopping?

A. Nothing; he didn't say anything about that.

Q. Did you ask him whether or not he had made any stops?

A. His oath covered that on entering which he pulled out and signed there.

Q. What part of the oath is it?

A. The oath in which he swears that no packages have been unladen since he left the port, and that the manifest contains a true statement of all the articles on board, which was the ballast.

Q. That is the part of the oath which he signed? (Handing the paper to the witness).

A. That I am at present and have been during the voyage Master of the said vessel, and that no package whatsoever or any goods, wares, or merchandise have been unladen, landed, taken out, or in any manner whatsoever removed from on board the said sloop "Vencedor" since her departure from the said port in Santo Domingo City except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers now delivered by me to the Collector are all that I now have or have had that any way relate to the cargo of the said vessel, or to any transaction with the United States Consular
157 officers respecting the crew or the cargo of said vessel or the vessel itself.

Mr. Landers: I offer this in evidence, if Your Honor please.

The Court: Any objection?

Mr. Travieso: No objection.

The Court: It is admitted.

The document in question was then placed in evidence and marked Exhibit YYY for the Government.

Mr. Landers: I also offer the ship's manifest which shows that they carried onions for Bonnin & Company.

Mr. Travieso: No objection.

The document in question was then placed in evidence and marked Exhibit ZZZ for the Government.

Q. Do you know Mr. Grillasca?

A. His face is familiar to me but I don't know him.
Q. What book is this? (Handing a book to the witness).
A. This is a record of clearance and entry of vessels in foreign trade.

Mr. Landers: I don't need that.

Q. Now what is this document? (Handing another paper to the witness).
A. That is a list of the crew as given by the Captain on clearing from the port, a copy of the list certified I believe, and it is a copy of the list of the men on board of the ship at the time it went to Santo Domingo.
Q. At that time?
158 A. At that time; It is the June trip that I speak of.
Q. Is Carlos Valle named there?
A. His name is not on here.
Q. Does it show in what capacity those people sailed?
A. Yes, the purser.
Q. Who was the purser?
A. The purser was Andrés Salas.
Q. How large a man is he?
A. I do not know.
Q. What does it say there?
A. Four feet and six inches.
Q. Who else?
A. Daniel Rodriguez of Boqueron, Porto Rico, seaman, Porto Rican, twenty-two years, five feet.
Q. Never mind the height of the others, just the names.
A. Manuel Roman and Juan Ramirez.
Q. They were seamen?
A. They were seamen.
Q. There was a purser on this trip?
A. That first name is the purser.
Q. What was the tonnage of that vessel?
A. Seven tons net.
Q. Is it customary to have a purser on boats of that size sailing around Porto Rico?
A. I don't remember any other boat of that size having a purser.

Mr. Landers: I offer it in evidence, if Your Honor please.
Mr. Travieso: No objection.
The Court: Admitted.
159 The crew list in question was then placed in evidence and marked Exhibit AAAA for the Government.
Mr. Landers: That is all.
Mr. Travieso: No cross-examination.

Witness withdraws.

RUDOLF SWARTZ, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States attorney:

Q. What is your name?
A. Rudolf Swartz.
Q. Where do you live?
A. In San Juan.
Q. Porto Rico?
A. Porto Rico.
Q. How long have you lived here?
A. I have been twenty-seven years on the Island.
Q. Twenty-seven years?
A. Yes, sir.
Q. What is your occupation?
A. Lithographer.
Q. Where are you employed?
A. With the Boletin.
Q. Been employed in the Boletin for how long?
A. For the whole time I have been here on the Island.
160 Q. What are your duties as lithographer?
A. Engraving in stone.
Q. Have you ever had any experience in handwriting?
A. O, yes. I have to engrave very much handwriting in stone. And I have testified in the Municipal Court and in the District Court as an expert.
Q. How many times?
A. Many times. Last year and the year before.
Q. Then you have had considerable experience in the comparison of handwritings?
A. O, yes.
Q. And that experience extends over a period of how many years?
A. I can say since thirty years ago.
Q. Thirty years?
A. Yes.
Q. And it covers all classes of handwriting?
A. O, yes.
Q. Just describe some of the documents that you have examined and passed upon; name them; checks and things of that character?
A. I don't understand.
Q. Have you ever passed on the handwriting on checks?
A. Yes. There were falsifications in checks in the Municipal Court and falsifications in documents in the District Court last year when I was in the court.

Mr. Travieso: Before any signatures are shown to this witness so that he may give his opinion as to them, I think the wit-
161 ness should be qualified as an expert. I submit to your Honor that being a lithographer is not the kind of an expert to pass on handwriting. A man who lithographs, I don't see why he has to compare anything that he is going to engrave with other

writings, so his profession as a lithographer does not qualify him as a handwriting expert. I don't see where the comparison of handwriting comes in in the profession of lithographer. If I give him my signature to engrave he does not have to compare it with other signatures to engrave it, to make it as similar to mine as possible. And the fact that he may have testified in other courts is not conclusive evidence that he is qualified to testify here, and so until he is further qualified as an expert I object to his testifying.

Q. Now just go on telling the Court what experience you have had in the comparison of handwriting. Don't just give out two or three jerks of experience, but when it started thirty years ago, if it started then.

A. I think that any lithographer who engraves handwriting has practice enough to say whether it is written by the same person or not.

Q. Explain what is lithographing. What do you do in it?

162 You are just talking in generalities.

A. It is engraving of writing with a pin over the stones, The same handwriting of anything which you want in the same style and the same manner and we have to make it exact.

Q. It is copying of handwriting upon stone, isn't it?

A. Yes. If you have circulars, commercial circulars, the firms make their cards and the handwriting of the firm on the cards must be the same style as the circular.

Q. How long have you been engaged in that class of work?

A. In this work I have worked since I am eighteen years old, and I am fifty-two.

Q. Have you ever had any experience in comparing handwriting?

A. Yes. I say I was an expert in the Municipal Court and in the District Court in San Juan.

Q. The comparison of what? Make it specific. Don't make it general.

A. Comparison.

Q. In checks, or what?

A. Checks and documents which were presented to the Judge and jury; falsification of documents and of checks.

Q. In how many cases do you suppose that you have testified as an expert?

A. There was the case of Mr. David; the case of Besosa; the case of Villamil; and there was the case of Belaval. The Villamil and Belaval were big cases. I believe the biggest which we had in the District Court.

Q. But during all your life you have had more or less occasion to examine and scrutinize handwriting, have you?

163 A. Yes.

Q. So more or less that has been your profession during your whole life, the comparison of handwriting?

A. Yes. I took it up also in Germany before I came here.

Q. That is what we are trying to find out. What are you holding back on it for? What did you do in Germany?

A. I was a lithographer.
Q. Did you compare handwriting in Germany?
A. Yes, I was a lithographer there for fifteen years.

Mr. Travieso: May I cross-examine him before any signature is shown him?
The Court: Yes.

Cross-examination by Mr. Travieso:

Q. Now your work as a lithographer consists in imitating the writing that is given you, does it not?
A. Yes.
Q. Now if I send my signature to you to lithograph it you don't have to compare it with another handwriting do you?
A. No.
Q. All you have to do is to go ahead and copy it as closely as you can?
A. Yes, an exact copy, and make it exactly as you have written it.
Q. Exactly as I have written it?
A. Yes.
Q. If a signature similar to mine, very much like it were taken to you, you would do the same thing, copy it, wouldn't you?
164 A. Yes. If you want the same form in similar style I have to make it.
Q. In other words, the work that you do every day is copying, trying to imitate?
A. Not copying all times.
Q. Isn't that the work you do every day, engraving?
A. Yes.
Q. Trying to imitate the signature as closely as possible?
A. Yes.
Q. That is your usual work?
A. Yes.
Q. What your profession calls for?
A. Yes.
Q. Now, how did you acquire, then, the knowledge of comparing two signatures one with another so as to determine and testify that they were made by the same hand?
A. In the manner where all letters are written and in the style where all letters are written.
Q. Did you make any special study of that work?
A. You know if you write the letters all the time in the same form or in the same manner, if you write your name, some letters are all the time the same.
Q. But where did you acquire the experience to be able to tell that two signatures are made by the same hand?
A. That is a practice which I have acquired.
Q. Where did you acquire that practice?
A. Since the very much years that I have been a lithographer. I entered in it when I was fifteen years old, and now I am fifty-two years, so I believe I have my experience.

165 Q. So your practice was acquired by lithographing?
A. Yes.
Q. And not by comparing signatures?
A. Also by comparing signatures, because sometimes for the same house you have this year a work, and some years before, and you have very much occasion to compare the forms the first time with the last time to see if there is a difference or not.
Q. Those occasions on which you have compared signatures then have been when you were called before the court as a witness, is it not?
A. Yes. It has been my own study in my home and also in the court.
Q. But outside of those occasions you never compare handwriting one with the other, do you?
A. Yes. In the Boletin very much times. There are certain commercial houses who bring works there one year, and two, or three, or four years later they bring the same circulars, but changed sometimes, and I compare them to see.
Q. To see if they are the same?
A. To see what changes are made.

Mr. Travieso: Now, if Your Honor please, I don't believe that the man is fully qualified as a handwriting expert. The fact that he has testified in other courts as an expert should not be accepted as conclusive evidence that he is an expert. The other courts may have erred, and I submit that lithographing does not qualify
166 a man to testify that two signatures were made by the same hand, and he has made no special studies of the science of handwriting to qualify him as an expert.
The matter is taken under advisement by the Court, and court adjourned at this time until 10 A. M., March 20, 1914.

March 20, 1914.

The Court: The question was raised, just at adjournment, as to the competency of an alleged expert.
Mr. Landers: I would like to further qualify this witness.
The Court: I was not going to pass on it, but it seems to me that the point would be this. An expert is used for different purposes, not always for the same purpose even as to handwriting, and I would not be able to rule until you ask some question to show what you want to qualify him for. Proceed with your examination then.

RUDOLF SWARTZ being recalled as a witness in behalf of the Government, testified as follows:

Direct examination by Mr. Landers continued:

Q. Mr. Swartz, how many years have you been a lithog-
167 rapher?
A. I began to learn when I was fifteen years old.
Q. And have followed that occupation or profession ever since?

A. I learned four years of lithographing.

Q. And you have followed that profession ever since?

A. Yes, the whole thirty-seven years that I am lithographing and you know the letters we have to sign it to engrave it, and so have custom enough to make the difference in different letters, and you have the practice to serve for an expert. I will tell you a case which I have had in the District Court. There was a fiscal who gave me a check on the Agricultural Bank, and he confronted me with a book and asked me to tell my opinion. The check was written in round letters and indorsed with other handwriting. I looked at the book and compared it with the check and I found out that the same person has written the check. . . .

Mr. Travieso: What this witness did in another case is not material here.

The Court: It will be ruled out.

Q. Just confine yourself to my questions. Now during this time that you have been engaged in the lithographing business have you ever had occasion to examine handwriting?

A. Yes, sir.

Q. Frequently?

A. Frequently.

Q. Have you had occasion to make comparisons of handwriting?

A. Yes.

Q. In Germany?

A. In Germany have I made comparisons and also here in Porto Rico.

168 Q. Now, Mr. Swartz, have you ever made any comparisons of handwriting in Germany prior to coming here to ascertain the correctness of any document, or the falsity of a document? the falsity of the handwriting on a document?

A. Yes.

Q. Frequently?

A. Sometimes. Occasionally.

Q. And after coming to Porto Rico have you ever had occasion to make examinations of forged documents?

A. Yes, sir.

Q. How frequently?

A. On certain occasions that I have been called upon to do that I have side-stepped because I don't create friendships by that.

Q. Now I don't want to know what you failed to do, but what you have done.

A. I have appeared before the Municipal Court and the District Court in civil and criminal cases.

Q. In both civil and criminal cases?

A. Yes, sir.

Q. In cases in which the genuineness of handwriting was involved?

A. Yes.

Q. And in the preparation of those cases, or in preparing for your evidence, did it become necessary for you to make a study of the handwritings?

A. Yes, sir.

Q. Now have you frequently been called into court where genuineness of handwriting has been involved since coming to Porto Rico?

169 A. Yes. I have been called by the prosecuting attorney and also by some lawyers here.

Q. Now can you name any particular cases in which you have appeared as an expert on handwriting?

A. The case against Villamil, the Belaval case, and the forgery of signature in Besosa's house.

Q. Then more or less during the time you have been in Porto Rico you have had experience in the comparison of handwriting to determine the genuineness of the same?

A. Yes, and nobody better than a lithographer is able to determine that.

Q. For what reason?

A. Because as we have to reproduce or copy the signatures from different commercial firms we have acquired sufficient experience to determine that.

Q. That extends over a period of thirty-seven years?

A. Yes, sir.

Q. That is the only business you have?

A. The only one.

Mr. Landers: That is all on the qualification for an expert.

Mr. Travieso: I want to object to the admission of his testimony as an expert on the ground that he is not fully qualified. The fact that he may have testified a few times, or no matter how many times he may have testified in other cases, that is no reason why he should be allowed to testify in this case unless he is qualified. In the

170 other cases counsel may not have seen fit to object to his testimony, and here I do.

Mr. Landers: I have qualified him now only as a general expert on handwriting. I have shown that he had an experience of thirty-seven years in lithographing so intimately connected with handwriting as to be almost the same.

The Court: The question of expert evidence as to handwriting comes up in two respects. I do not know how the evidence of the witness is going to be used in this case. As to that I have no way of judging yet. As to the comparison of handwritings of course that goes to the jury. The preliminary question of the competency of the witness seems to be a matter of discretion with the Court. It is found in a long note to 63 L R A., page 938, in which the editor complains that there are very few rules on the subject; very little to be found on the subject as to how much a witness must know in order to make him an expert, because it is a matter of discretion with the Court, and of course a matter of discretion cannot be expected to. I am perfectly willing to allow an exception. It seems to me, in this case, that he is qualified as a judge of hand-

171 writing, and I will declare him competent provisionally. I do not know what use is to be made of him yet. The objection is overruled. The fact that a witness is familiar with the

handwriting of the party in question is itself an important element even if the documents by which he has become so familiar are not in evidence. Rogers v. Ritter, 12 Wall. 322.

Mr. Travieso: Note my exception please.

The Court: The reason I make that suggestion is this; that there are two principles, two lines of decision. If the witness is given an acknowledged piece of handwriting that is genuine and asked to compare another with it, that is one thing. If he is acquainted with the genuine handwriting, that is one thing. If he does not know the handwriting of the party at all, and is asked whether one paper is under the same handwriting as another, there is another line of decisions as to that. I cannot tell until you ask the question.

Q. Are you acquainted with the defendant, Mr. Manuel Cerecedo?

A. I am.

Q. How long have you know- him?

A. Since the year 1897, that is, since I came down to Porto Rico.

Q. Do you know one Jacinto Y. Mañon?

A. No.

Q. I show you documents Exhibit C for the Government, Exhibit F for the Government, Exhibit G, Exhibit H, Exhibit I, and Exhibit U, signed by Jacinto Y. Mañon. State whether or not you have examined that signature.

172 A. Not the one of Mañon.

Q. I show you document XXX for the Government, the signature of Manuel Cerecedo. Have you ever made an examination of that signature?

A. Now, in this case.

Q. Have you compared it with writings in this case?

A. Yes, sir.

Q. Have you made a comparison of that signature with the signature attached to Exhibit C for the Government?

A. I have.

Q. Is it written by the same person; are both of them written by the same person?

Mr. Travieso: I want to enter my objection at this time to his answering that question, on the former ground that the witness is not qualified as an expert in the comparison of handwriting. I admit that he is qualified as a lithographer, but not as an expert in the comparison of handwriting, and his opinion should not go to the jury.

The Court: Are the papers that are shown him admittedly in the handwriting of the defendant?

Mr. Landers: The paper handed him is the contract signed in Santo Domingo, testified to by Geraldino that it was signed by Manuel Cerecedo in his presence.

The Court: Now, what is the other document?

173 Mr. Landers: The power of attorney signed before the Notary Public Monserrat. I asked him if the two signatures were the same; written by the same person. They are both in evidence. And then I am going to compare it with other handwritings.

The Court: The question right now is, are they written by the same party?

Mr. Landers: Yes.

The Court: There is no dispute as to that, is there?

Mr. Travieso: I object to the question because the expert is introduced for the purpose of giving his opinion as such, and my objection is that he is not an expert in comparison of handwriting.

The Court: The objection is overruled.

Mr. Travieso: Note my exception.

A. Yes, they have been written by the same person.

Q. Now explain to the jury why you know that these have been written by the same person. What peculiar characteristics are there in the writing which show that the same person wrote both signatures.

A. The style of the handwriting is the same in one as in the other.

Q. Are there any peculiar characteristics in the handwriting?

A. For instance, here in the name of Cerecedo the letters are broken, are all separate, and the same condition prevails in the name Manuel where all the letters are broken or separate. In the document XXX the "c" and "e" and the "r" are separated in the
174 name Cerecedo, and the others are together. But according to the manner in which it has been written it can be seen very well that they have been written by the same person.

Q. Have you made a large copy of that signature at all?

A. Yes, sir.

Q. Let me see it, please.

A. (Witness hands the paper to the District Attorney).

Q. That is a large copy of the signature of Mr. Cerecedo taken from the power of attorney?

A. Yes, sir.

Q. And this is from the contract? (Referring to another paper).

A. You see these letters are all separated.

Mr. Landers: Now if Your Honor please, I offer these in evidence.

Mr. Travieso: They are subject to the general objection that they are not made by a person fully qualified as an expert.

The Court: They are admitted in evidence.

Mr. Travieso: Note an exception.

The first paper identified by the witness was then placed in evidence and marked Exhibit BBBB for the Government, and the second paper in question was also placed in evidence and marked Exhibit CCCC for the Government, and the two papers were then handed to the jury.

The same objection is made to each paper, the same ruling thereon is made by the Court, and an exception is noted by counsel for the defendant.

175 Q. Now in addition to making comparison of these two signatures that have been introduced in evidence, are you personally acquainted with the handwriting of the defendant Manuel Cerecedo?

A. I am.

Q. Now from the comparison that you have made as to the sig-

natures and your knowledge of his handwriting, please examine this book Exhibit BB for the Government, and state in whose handwriting it is. (Handing the book in question to the witness).

Mr. Travieso: I want to enter my objection to this question on the ground already stated that the witness has not been qualified as an expert, and further on the ground that, even if he was an expert, he should not be allowed to testify as to whether a writing is made by the defendant unless he is given another writing admitted to be in the handwriting of the defendant so that he may compare it, but showing the witness a book and asking him to say from his recollection of what he knows of the handwriting of the defendant whether or not in his opinion it is the handwriting of the defendant, I think goes beyond the expert evidence rule.

Mr. Landers: I combined in my question his personal knowledge of the handwriting of Manuel Cerecedo and the two signatures.

176 Mr. Travieso: The only word that has been admitted as having been written by Mr. Cerecedo is the word in the power of attorney now in the Jury's hands. Now that is the word Cerecedo supposed to be the signature of Mr. Cerecedo. The word Cerecedo has only five letters of the alphabet, that is, o, c, e, r, and d, and the District Attorney now tries to prove that the book is in the handwriting of the defendant, which contains over a hundred pages.

Mr. Landers: Under the late Act of Congress I could just introduce those two signatures and leave it to the Jury to compare them.

The Court: What is the Act of Congress?

Mr. Landers: 1913.

The District Attorney then read the Act in question to the Court.

Mr. Landers: Now, under that I would not have to do any more than prove any known handwriting of the defendant.

The Court: The witness is shown two signatures which have otherwise been proved in the case, and from them and from knowledge of the handwriting of the defendant which he says he has seen and is familiar with, he is asked whether entries in a certain book are by the defendant Cerecedo. It is objected to because there has

177 not been sufficient handwriting shown to the witness for him to judge properly. The objection is overruled. The point seems to be that under this new Act of Congress of February, 1913, any paper can be shown and used for the purpose of comparison. The difficulty in the mind of the Court is not so much as to the competency of this testimony. The signature is the handwriting of the defendant; that is, of course, I am assuming that it was so in this case just as much his as any other writing is the handwriting of the defendant. The difficulty is that it embraces so few letters, five or six, as mentioned by counsel. At the same time, this witness states that he knows the handwriting, is familiar with the handwriting of the defendant otherwise, and I think that that cures whatever defect there was in the other, and I will overrule the objection and permit the question to be answered. The point will be this; the Court rules that the evidence is competent. It will be for the Jury to say how credible it is. Suppose there had been a number of admitted documents having all the letters of the alphabet. There

would be no question in that case. Instead of that there are
178 comparatively few letters in evidence, but also some outside knowledge, and it may be that the Jury might conclude that this witness' testimony is not worthy of as much belief as it would have been if a number of documents had been shown him. That, however, is a matter of credibility as to which the Court does not pass. That may be argued fully or otherwise to the Jury. The objection is overruled and the question may be asked.

Mr. Travieso: Note an exception.

Q. (The last question was repeated to the witness by the interpreter).

A. They are.

Q. State whether or not you have made an examination of that book prior to today.

A. I have.

Q. And state whether or not you have compared it with the signatures shown here, and compared it in view of your personal knowledge of the handwriting of Mr. Cerecedo.

A. I have.

Q. And do you find that all the original writings in there are in the handwriting of Mr. Cerecedo?

A. Yes, sir.

Q. Do you notice any peculiar characteristics in the handwriting in that book which are apparent in the signature in Exhibits BBBB for the Government and CCCC for the Government?

179 A. The most of the letters written in the word August are written with detached letters, and also the shape or style of the letters corresponds with the style and shape of the letters in the signature.

Q. Does he notice that detached character of the letters throughout the book?

A. No, some are not, but most of them are that way.

Q. But you swear positively that every item in there is in Mr. Cerecedo's handwriting?

A. I would not testify that each of them is in his handwriting, but most of them, yes.

Q. You have examined that book, haven't you?

A. Yes.

Q. Have you examined it carefully?

A. Yes.

Q. Have you found any other handwriting in that book?

A. I have found handwriting which looks like the handwriting of another person.

Q. How many occasions in that book?

A. This entry here (indicating).

Q. Is that the only entry, is that in the handwriting of Cerecedo? (Indicating an entry).

A. Yes, sir.

Q. I show you the first page. Is that in the handwriting of Cerecedo?

A. Yes, sir.

Q. The second items?
A. Yes.
Q. The third items? There are four or five or six lines there that you are in doubt about?
180 Yes, sir.
Q. Whose handwriting is that? (Indicating another entry).
A. Cerecedo's.
Q. And that? (Indicating another entry).
A. Also Cerecedo's.
Q. And that? (referring to the Code) Is the Code in the handwriting of Cerecedo?
A. Yes, sir.
Q. A memorandum here which is headed "notes," is that in the handwriting of Cerecedo?
A. Yes, sir.
Q. Is this memorandum headed "notes" in the handwriting of Cerecedo? (Indicating another entry).
A. Yes, sir.
Q. Notes? (Indicating another entry).
A. Also.
Q. West, is that in the handwriting of Cerecedo?
A. Yes, sir.
Q. South, is that in the handwriting of Cerecedo?
A. Yes, sir.
Q. These general notes, are these in the handwriting of Cerecedo?
A. Yes.
Q. Is that in the handwriting of Cerecedo? (Indicating the last page in the book).
A. Yes.
Q. I show you document marked Exhibit AA for the Government. State whether or not you have examined this book prior to your coming here to this trial.
A. Yes, sir.
Q. Have you made a study of the handwriting and notes in that book?
181 A. I have.
Q. Are you able to state at this time, from the study and examination which you have made, in whose handwriting those notes are made? Say yes or no.
A. Yes, sir.
Q. From the examination that you have made, state who wrote those notes in that book.
A. These notes have been written out by Mr. Cerecedo.
Q. Do you testify to that from your comparison of the handwritings which are in evidence, and from your own personal knowledge of his handwriting?
A. Yes, sir.
Q. Do you notice the same peculiarities or characteristics in his writing in that book that are apparent in the handwritings which are in evidence?

A. Yes, the same characteristics.

Q. You have examined all of these carefully?

A. Yes, sir; page by page.

Q. Please examine this book marked Exhibit CC for the Government and state whether or not you have made an examination of the entries therein contained.

A. I have.

Q. Prior to the time of coming to this trial?

A. Yes, sir.

Q. From the examination you have made of that book of entries are you able to state in whose handwriting the notes or memoranda are made?

A. The entries have been made by Mr. Cerecedo.

Q. Is that conclusion based on your comparison with the admitted handwritings in evidence, and your personal knowledge of
182 defendant's handwriting?

A. It is.

Q. You have examined that document page by page?

A. Page by page.

Q. State whether or not the same characteristics are contained in the handwriting in that book as are contained in the handwritings already in evidence.

A. The same characteristics.

Q. I give you Government's Exhibit RRR consisting of cables. Please examine these cables and state whether or not any of them, in your opinion, were written by the defendant Manuel Cerecedo.

A. Yes, sir. I have looked them over.

Q. Have you examined them carefully?

A. I have. This is one.

Mr. Landers: Cable dated August 4th directed to Mañon and signed at the bottom Villarino.

A. And this is one.

Mr. Landers: A cable dated August 9th, addressed to Mañon, Santo Domingo, and signed Villanueva.

Q. From the examination which you have made of the proved documents in evidence of the handwriting of Manuel Cerecedo, and your personal knowledge of his handwriting, do you testify at this time that these two cables which you have just identified are in the handwriting of the defendant Manuel Cerecedo?

A. Yes, sir. They are written by him.

183 Q. State what characteristics you notice in the writing in this cablegram which compare with the proved handwriting of the defendant Cerecedo.

A. The same characteristics as those that appear in the documents submitted already.

Q. What are those characteristics?

A. That the letters are detached one from the other. Occasionally there are two joined, and also the shape or style of the letters is the same as the shape and style of the letter in the documents referred to.

Q. Did you examine any of these? (Showing the witness Exhibit PPP for the Government).

A. No.

Q. Please examine documents marked Exhibit OOO for the Government and state if you recognize the signatures on any of the documents.

A. Yes, sir. There appear three signatures of Cerecedo here.

Q. And what are they? Read them.

A. To the order of Jacinto Mañon, value in account, San Juan July 5, 1913.

Q. That is printed; that is not the signature. But that is the signature of Manuel Cerecedo? (Indicating).

A. Yes, sir.

Q. That is what I wanted to find out.

A. Yes, sir, that is the same.

Q. And your conclusion that that is the signature of Manuel Cerecedo is derived from the comparison with the proved handwriting in evidence, and your own knowledge of his handwriting?

A. Yes, sir.

184 Q. Are the same characteristics apparent in that handwriting as are to be found in the handwriting admitted in evidence?

A. Yes, sir.

Q. What are those characteristics?

A. That he writes all the letters separate, and the form of the letters is the same as that in the other documents.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. Now Mr. Swartz, did you see Mr. Cerecedo sign any of these papers?

A. Yes, sir.

Q. You saw him sign them?

A. No, I did not.

Q. Then when you say by looking at these papers that they were written by Mr. Cerecedo, and you say that positively, that they were written by him, you don't mean that you saw him write them?

A. No, it is not necessary to see him write them. It is enough to compare the signatures.

Mr. Landers: There is another matter that I forgot before you go on.

Mr. Landers:

Q. I show you documents F, G, H, and I for the Government and specifically call your attention to indorsements on the back of each document. Please examine them.

A. These indorsements are written with the same handwriting and the same style as the signatures in evidence.

Q. State whether or not you know who wrote that. What person?

A. This is the handwriting of Mr. Cerecedo.

185 Q. And that conclusion is derived from your comparison with the proved handwriting already introduced in evidence, and your personal knowledge of his handwriting?

A. Yes, sir.

Q. And the same characteristics are noticeable in that handwriting as in the signatures?

A. Yes, sir.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso—continued:

Q. Now, Mr. Swartz, did you see Mr. Cerecedo write any of the documents or papers that have been exhibited to you by the District Attorney?

A. No, sir.

Q. You did not see him personally do that?

A. No, sir.

Q. So when you testify that they are in the handwriting of Mr. Cerecedo why do you say positively, as you have testified, that they are in the handwriting of the defendant?

A. Because they have been written in the same shape and same style as the signatures which appear on the two documents already submitted.

Q. So that because of the fact that in the writings exhibited to you the letters are separate one from another you testify, positively, that they were made by Mr. Cerecedo?

A. Not only on that account but also on account of the style of the letters.

Q. Also on account of the style of the letters?

A. Yes.

186 Q. And you said that you examined those documents before, did you not?

A. I have.

Q. And you compared every letter in those documents, or most of them, or some of them, with undisputed handwriting of the defendant?

A. Yes, sir.

Q. Now look at this Exhibit CC for the Government. The first page under the letter "S." Now look at the letter "S" in this name San Zenon, the capital "S." Is that capital S made by Mr. Cerecedo?

A. Inasmuch as the remaining letters have been written by him, this S must of necessity have been written by him.

Q. Leave the other letters alone and tell me about that capital S.

A. It is impossible to confine one's self to one letter without referring also to the others; but if all the rest which appears in the book have been written by him, this must also of necessity be written by him.

Q. Then if I show you a book the first page of which is in my handwriting, you are ready to come before a court and testify that the rest of the book is in my handwriting?

A. No, sir. I have studied this book page by page, and I have compared the letters with those of the signatures.

Q. With those of the signatures?

A. And as the letters appear written in the same manner and

in the same form as those appearing in the signatures, this book is written by Mr. Cerecedo.

Q. Now on this same page that I referred to before, the
187 first page, (under letter "S"), appears the name Arturo San Zenon. Now, in order to be able to testify that Arturo San Zenon was written by Mr. Cerecedo you compared those two names with the name Cerecedo in the signature, did you not?

A. Yes, sir, not only with the signature of Cerecedo alone, but with the whole of the letters which appear in the book.

Q. So the way you came to form this conclusion was by comparing one page of this book with another and not with the undisputed handwriting?

A. No, sir. The basis always is the handwriting in the signature.

Q. Now did you find in that signature a "t" for the purposes of comparison, the letter "t"?

A. No, there is no "t" in the name of Manuel Cerecedo.

Q. Did you find a capital A?

A. No, sir. Neither.

Q. Or a capital S?

A. Neither.

Q. So the only letters that you had before you for the purposes of comparison were the letters in the name Manuel Cerecedo?

A. Yes, sir.

Q. Now how can you testify positively that any letter outside of those five or six is made in the handwriting of the defendant when you never had an undisputed letter outside of those for purposes of comparison before you?

A. Hand me the book.

The same book, Exhibit CC for the Government, is handed to the witness.

A. In this book the entry Benito Carreras bears the same C and the style of writing is just the same as the one appearing in
188 the signature in the name of Laureano Cantero. The C is written out in the same style as the C in the name of Cerecedo in Document No. 53 (Exhibit CCCC for the Government). The C in the name of Modesto Cobian is written out in the same style. In the word Comerio the initial C is written in the same style as the C in the contract.

Q. Now will you select some other capital letter outside of C, please?

A. (The witness examines the book page by page). In the name of Juan Muñiz Caguas the M in the name Muñiz is the same as the M in the signature Manuel Cerecedo, and the C in Caguas the same C as the C in the signature already in evidence, and the whole name written in the same manner and the same style of letters as the signature.

Q. That is, with the letters separate one from the other?

A. Yes, The separate letters and the same shape of letter.

Q. So the only capital letters that you can give your opinion about are the M and the C?

A. M and C and all letters which are written in the same line are written from the same hand, so the whole book is written from the same hand.

Mr. Travieso: That is all, Your Honor.

Redirect examination by Mr. Landers:

Q. You also had personal knowledge of Cerecedo's handwriting, did you not?
A. I have.
Q. And you were assisted by that knowledge in addition to the proved documents?
A. Yes, sir.

Mr. Landers: That is all.

Witness withdraws.

189 RAFAEL PIETRANTONI, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Rafael Pietrantoni.
Q. What is your business?
A. Automobile dealer.
Q. What company?
A. Pietrantoni & Sojo.
Q. Of San Juan?
A. Yes, sir.
Q. Are you in the business of selling automobiles?
A. Yes, sir.
Q. State whether or not you sold an automobile to one Jacinto Y. Mañón, of Santo Domingo?
A. I received an order and sent a car to Santo Domingo. It was sold to Mr. Lohengrais, of Ponce.
Q. Was it sold to him direct, or was he surety?
A. Mr. Lohengrais?
Q. You sold it to Mañón, but took Mr. Lohengrais as surety; is that right?
A. Yes, sir.
Q. What date was that?
A. The car was shipped August 4.
Q. Was sold on August 4?
A. No, was shipped.
Q. How was it shipped—on what boat?
A. On the President.
Q. Through what company?
A. The company represented by Korber & Company.

190 Q. Now this was shipped by you through Korber & Company to whom in Santo Domingo?
A. To Dr. Mañón?
Q. Dr. Jacinto Y. Mañón?

A. Yes, sir.
Q. Were there any payments made on that automobile?
A. A thousand dollars cash.
Q. By whom?
A. I got an order from Mr. Lohengrais from Ponce to get a thousand dollars from Cerecedo in San Juan. Cerecedo Hermanos gave me a check.
Q. A check for a thousand dollars?
A. A check for a thousand dollars.
Q. Did you sell any automobile supplies with that automobile?
A. Yes, sir.
Q. To what amount?
A. I have to look over the books.
Q. First, have you the record of the payment of the check of a thousand dollars by Cerecedo Hermanos?
A. Yes, sir.
Q. Show me the record of the payment of the thousand dollars, please?
A. (The witness opens a book and turns to an entry.)
Q. On August 5, 1913?
A. Yes, sir.
Q. The car was shipped when?
A. The invoices went on the 4th.
Q. The 4th of August?
A. The 4th of August.
Q. And on the 5th Cerecedo Hermanos paid you a check
191 of a thousand dollars on the car?
A. Yes, sir.
Q. Were there any supplies purchased for that car?
A. Yes, sir.
Q. What date?
A. On July 31st. There was a ten per cent reduction, making $87.76.
Q. Those were shipped at the same time the car was?
A. Yes, sir.
Q. Went with the car?
A. Yes, sir.
Q. Who paid that bill of $87.76?
A. Cerecedo Hermanos.
Q. Did you pay the freight?
A. No, sir.
Q. Who did?
A. Cerecedo Hermanos, paid direct to Korber & Company.
Q. Was the statement made to you in reference to the freight?
A. Yes, sir, and I turned it over to Cerecedo.
Q. And it was settled through him?
A. Yes, sir.

Mr. Landers: That is all.
Mr. Travieso: No questions.

Witness withdraws.

192 EDWARD WOOD, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers:

Q. What is your name?
A. Edward Wood.
Q. What business are you engaged in, Mr. Wood?
A. Commission and banking.
Q. With what firm?
A. Korber & Company.
Q. Korber & Company?
A. Yes, sir.
Q. Mr. Wood, do you know whether or not your company shipped an automobile to Santo Domingo to Jacinto Y. Mañón last year?
A. Yes, sir, we did.
Q. On what boat?
A. On the President?
Q. On the President?
A. Yes, sir.
Q. Do you remember what the amount of freight was?
A. The freight I do not remember exactly, but I know the total of the bill of expenses.
Q. How much?
A. $153.14.
Q. Now, do you know who paid that?
A. We sent the bill to the people that we shipped it for.
Q. Whom did you ship it for?
A. For Pietrantoni & Sojo; and they sent the clerk to Cerecedo Hermanos y Cía., and they gave him a check on the Colonial Bank.

Mr. Landers: That is all.
Mr. Travieso: No questions.
Witness withdraws.

193 FELIPE VAILLANT, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Felipe Vaillant.
Q. What is your business?
A. Commission merchant; a business agent.
Q. Where?
A. In the Playa of Ponce.
Q. Are you acquainted with the defendant Manuel Cerecedo?
A. I am.
Q. Are you acquainted with the defendant Carlos Valle?
A. I am.
Q. And the defendant Andrés Grillasca?
A. I am.
Q. You say you are in the commission business in Ponce?
A. I am.

Q. Are you also in the shipping business?
A. Yes, sir.
Q. Do you know the sloop Vencedor?
A. Yes.
Q. I will ask you to state whether or not you ever dispatched he from Ponce to Santo Domingo in the month of June, 1913?
A. I did.
Q. At whose request?
A. The master.
Q. Did you ever have any conversation with Cerecedo about dis patching this boat?
A. No.
194 Q. You never did?
A. No.
Q. Who paid you for dispatching this boat?
A. The young man Grillasca brought the money to me and th Captain paid the expenses.
Q. Didn't Cerecedo ask you to dispatch this boat? Now remem ber, or try to recollect, what occurred at that time.
A. The sloop came in ballast so as to be dispatched for Sant Domingo.
Q. Didn't Cerecedo come to your place of business last June an ask you to dispatch the Vencedor for Santo Domingo; to assist i the dispatch of the Vencedor?
A. That day they introduced him to me. I had never met hin before.
Q. Who?
A. The master.
Q. Who introduced you to the master?
A. Carlos Valle.
Q. Carlos Valle is the master, isn't he?
A. Yes.
Q. Who introduced you to Carlos Valle?
A. Well, it was one of the ordinary ships that come for busines to my house.
Q. That is all right; I realize that. Did you see Manuel Cerecedo over there prior to the day that you dispatched the Vencedor?
A. Yes, sir, the Captain introduced him to me because I had never met him before, but he did not speak to me with reference to the clearance.
Q. Ask him if he didn't state, down in my office the day
195 before yesterday, that Cerecedo paid him for dispatching that boat?
A. No, sir; the person who brought the money to pay for the clearance is that young man sitting there whom I didn't know.
Q. Grillasca?
A. Yes. He handed over the money to the Captain to pay me the expenditures.
Q. Was there any difficulty in dispatching the Vencedor?
A. We had to apply for permission to the Collector at San Juan because she didn't have any permit.

Q. Who applied for that?
A. The Custom House. We notified the customs authorities.
Q. Now do you know what cargo the Vencedor carried on that trip?
A. Two hundred sacks of onions which we shipped.
Q. What was the value of that?
A. I do not know the value. They came from Bonín.
Q. They were owned by Bonín & Company?
A. Yes, they belonged to the firm of Bonín & Company.
Q. Who went on that ship on that trip?
A. The crew and this young man.
Q. What young man?
A. Grillasca.
Q. In what capacity did he sail?
A. Purser.
Q. As Purser?
A. I think so; that is what I think; I am not sure.
Q. His name would be signed on the crew list in case he sailed on that boat, wouldn't it?
A. Yes, in the list which is submitted to the Custom House.
Q. And did he submit that list of the crew to the Custom House?
A. I don't remember, because the Captain always goes with
196 an employee of mine to dispatch that business—to attend to that business. I have an employee for that purpose.
Q. Now I show you the crew list of the sloop Vencedor (Handing the witness exhibit "AAAA" for the Government). What was the name of the Purser on that crew list?
A. It does not appear here.
Q. What is this? Purser, isn't it? Whose name is that? Andrés Salas as Purser, Daniel Rodriguez as Seaman, Manuel Román and Juan Román. You say that Andrés Grillasca was on that trip?
A. Yes, sir, I think he went on that trip.

Mr. Travieso: I object to his testifying what he thinks; I think he ought to say what he knows; if he knows whether he went, as a matter of fact, or does not.
Mr. Landers: I realize that he cannot testify as to any impression that he has, or what he thinks.
The Court: Then it is agreed that that comes out?
Mr. Landers: Sure.

Q. You dispatched this boat, didn't you?
A. Yes, sir.
Q. Did you provide the crew?
A. No.
Q. You knew who were going as members of the crew?
A. No.
Q. But you knew that the defendant Andrés Grillasca went on that trip. Do you know whether Andrés Grillasca went on that trip or not?
A. I don't know it for sure.

Q. Do you remember receiving three telegrams for Carlos Valle in July of last year?

197 A. It may be that I have received them.

Q. Tell him to answer the question, yes or no. Did he receive them?

A. Yes, sir.

Q. They were received, then, at your place of business?

A. I don't remember.

Q. Didn't you testify down in my office before witnesses that you remembered receiving three telegrams for Carlos Valle, and identified those telegrams?

A. They came to me in my name, but I do not remember whether he received them.

Q. I didn't ask you whether he received them or not; did you receive those telegrams for Carlos Valle—three of them?

A. I have not received them. It may have been my employee or the Captain himself. I don't remember whether they went through my hands.

Q. So you did not testify before me in my office, in front of witnesses, that you remembered receiving three telegrams for Carlos Valle, but you didn't remember by whom they were delivered?

A. I have not said such a thing.

Q. Didn't you testify that they were received at your place of business?

A. But I have not seen them; I do not remember having seen them.

Mr. Travieso: Then I submit that this is hearsay, inasmuch as he says that he didn't see the telegrams. I object to his testimony as far as the receipt of the telegram is concerned, because, from his answer, he has no personal knowledge of that fact. I move that the answer be stricken from the record.

The Court: The motion is overruled. Proceed.

198 Mr. Travieso: Take an exception.

Mr. Landers: That is all.

Mr. Travieso: No questions.

Witness withdraws.

199 MANUEL ROMAN, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Manuel Román.
Q. What is your business?
A. Seaman.
Q. Where do you live?
A. Boquerón.
Q. How long have you been following the sea?
A. Since I was a kid, or a boy.

Q. Do you know the defendant Carlos Valle?
A. I do.
Q. How long have you known him?
A. I have known him for about two or three years.
Q. Do you know the sloop Vencedor?
A. I do.
Q. Did you ever sail on that sloop?
A. I have.
Q. When?
A. In the month of June I was sailing in her.
Q. Where did you go in it?
A. To Santo Domingo.
Q. Who employed you?
A. Carlos Valle.
Q. Now when did you leave Ponce?
A. In the month of June; I do not remember the day.
Q. Where did you leave?
A. Bound for Santo Domingo from Ponce.
200 Q. What kind of a cargo did you have?
A. Onions.
Q. Who was with you on the trip?
A. Carlos Valle, Andrés Grillasca. Juanito Ramírez, Daniel Rodríguez, and myself.
Q. Valle was the Captain?
A. Yes, sir.
Q. What did you do aboard ship?
A. Where?
Q. In what capacity did you go on the sloop?
A. Seaman.
Q. And Rodríquez?
A. Cook.
Q. Ramírez?
A. Seaman.
Q. And Grillasca?
A. Purser.
Q. How big was the boat?
A. We loaded three hundred quintals, or about that.
Q. Where did you go in Santo Domingo?
A. To the Capital.
Q. How long did you stay at the Capital of Santo Domingo?
A. Three days.
Q. And did you unload your cargo there?
A. We did.
Q. Take on any cargo in return?
A. Nothing.
Q. Now where did you return to?
A. To Boqueron.
Q. From where?
201 A. From Santo Domingo.
Q. Stopped at Boquerón?
A. At Guanaquillo.

Q. What did you stop there for?
A. To unload three packages there.
Q. Was it day time or at night when you stopped there?
A. Night time.
Q. Who unloaded these packages?
A. Juanito Ramírez, the Captain, and the Purser.
Q. Captain Valle, the defendant here?
A. Yes, sir.
Q. And Andrés Grillasca, the defendant here, was purser?
A. Yes.
Q. What did those packages contain?
A. I do not know what they contained.
Q. How were they wrapped up?
A. Wrapped up in oil cloth.
Q. Did you hear the Captain state what they contained?

Mr. Travieso: The man has not said that he heard the Captain say anything.

Q. Did you hear any statements in reference to these packages?
A. After we cleared, or after we had left, they said that they were tickets.
Q. Who said that?
A. The Captain.
Q. Captain Valle, the defendant?
A. Yes, sir.

The Court: Where were they unloaded?
Mr. Landers: At Boquerón.

Q. Ask him if he knows what this is (Showing a map to the witness).
202 A. I do not know how to read.

Mr. Landers: I will prove it by another witness.

Q. Where did you get these packages?
A. In the Capital on the wharf.
Q. Who brought them there?
A. A coachman.
Q. Who was with the coachman?
A. Nobody.
Q. Now you made a statement, did you not, before the Fiscal of Mayaguez, in reference to this matter?
A. I did.
Q. Did you state in that to the Fiscal that Carlos Valle and the Purser Andrés Grillasca brought the three square packages?
A. To the wharf, no.
Q. To the boat in Santo Domingo?
A. We were the ones who loaded them.
Q. Who told you to load them?
A. The coachman.
Q. Was Captain Valle there?
A. No, sir.

Q. Was Andrés Grillasca there?
A. Neither.
Q. Can you read?
A. No, sir.
Q. So you did not testify before the Fiscal at Mayaguez that Captain Carlos Valle and the Supercargo Andrés Grillasca brought three large square packages wrapped in paper and oil cloth, saying that they were sweets?
A. Well, that happened on the road, on the way down from Santo Domingo to Porto Rico.
203 Q. Well, tell about it?
A. Yes, they said there that the three packages contained sweets.
Q. Well, I am talking about who brought them down to the boat. Who brought them in the coach?
A. A coachman brought them over, but I do not know him.
Q. Was Grillasca there, or Valle?
A. No, sir, none of them were there.
Q. And they told you they were sweets?
A. They did.
Q. Do you know whom they were given to at Boquerón?
A. To Valle's brother Francisco.
Q. Now, was there anything suspicious about these packages?
A. I saw nothing: I was on board.
Q. Is your name Manuel Román?
A. Yes, sir.
Q. How much were you paid for that trip?
A. Eighteen dollars.
Q. What are you usually paid on a trip of that character?
A. I do not know because this was my first trip.
Q. Hadn't you been over there before?
A. No; the first time I had been there.

Mr. Landers: If Your Honor please, I would like to have this affidavit read to him to refresh his memory.
Mr. Travieso: For what purpose—to impeach the witness?
Mr. Landers: No, to refresh his memory.
Mr. Travieso: If Your Honor please, that seems to be a way of leading the witness by presenting to him testimony that he has given before some officer of the law.
Mr. Landers: I withdraw it.
The Court: The question is withdrawn. Proceed.
04 Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. When did you say that the Captain told that the packages contained tickets?
A. On the way from Boquerón to Ponce.
Q. On the way from Santo Domingo to Boquerón the Captain told you that they contained sweets?
A. Yes, sweets.

Q. After the packages were landed at Boquerón he told you that they contained lottery tickets?
A. Yes, sir.
Q. Why did he tell you that? Did you ask him?
A. I did not.
Q. Did he tell it to you alone, or to all of you?
A. He said that on board.
Q. Did he say it aloud?
A. No, in a low voice.
Q. Were you all present—all the crew?
A. Yes, sir.
Q. Did any of you, any of the crew, ask him what the packages contained that they had landed.
A. No, sir, none of us.
Q. So he said that voluntarily, of his own will?
A. Yes.
Q. How do you know that the packages were given to Valle's brother if you staid on board and didn't go ashore?
A. Juanito Ramírez, the other seaman, told me.
Q. Then you know it because the other seaman told you?
A. Yes, sir.

205 Mr. Travieso: That is all.

Witness withdraws.

206 JUAN RAMIREZ, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Juan Ramírez.
Q. What is your business?
A. Seaman.
Q. Are you acquainted with the defendant Carlos Valle?
A. I am.
Q. Do you know Andrés Grillasca?
A. Also.
Q. Do you know the sloop Vencedor?
A. Yes, sir.
Q. Did you ever sail on that sloop?
A. I have.
Q. How many times?
A. I sailed in her along the coast and in a trip to Santo Domingo.
Q. How many trips to Santo Domingo?
A. One trip.
Q. Where did you sail from?
A. From Ponce.
Q. What date?
A. I do not remember the date.
Q. Who was on that trip with you?
A. The Captain Carlos Valle, the Supercargo or Purser Andrés

Grillasca, myself Juan Ramírez, Manuel Román, and Daniel Rodríguez. Daniel Rodríguez was the cook.

Q. In what capacity did Andrés Grillasca sail on that ship?

A. As purser.

207 Q. What cargo were you loaded with?

A. Onions.

Q. Where did you sail to?

A. Bound for Santo Domingo, the Capital.

Q. And how long did you stay in Santo Domingo?

A. We arrived on Saturday, and we left Monday at dusk.

Q. Now on your return trip did you take on any cargo?

A. Before we cleared—before we sailed—a coachman came up with three packages.

Q. What kind of looking packages were they?

A. Three packages about this size (indicating with his hands).

Q. How were they wrapped up?

A. In oil cloth.

Q. Was there any one with him?

A. A coachman.

Q. With the coachman?

A. The coachman alone.

Q. Where was Carlos Valle?

A. In the Capital, in the town.

Q. What did you do with the packages?

A. The coachman inquired about the sloop Vencedor, and myself and the other seaman loaded over the three packages.

Q. Then what did you do?

A. Well, we just laid them there.

Q. Well now, when the Captain came what was done?

A. When the Captain came, in the company of the Supercargo, he asked us whether we had received three packages, and we answered in the affirmative.

Q. And then what was said by the Captain?

A. Then we cleared for Porto Rico.

208 Q. Well, did you show the packages to the Captain?

A. He saw them. He said to us to place them in a place where they could not get wet, because they contained some sweets.

Q. Now where did you go to after you left Santo Domingo City?

A. We then stopped, or touched, at a place called Guanaquillo.

Q. That was the first point?

A. Yes, that was the first point.

Q. Guanaquillo and Boquerón, is that the same place?

A. Boquerón is further down, and Guanaquillo is further up.

Q. Where is that Guanaquillo—on which side of the island?

A. On the southern coast.

Q. Southwestern coast?

A. We are now in the Capital; on the southern coast.

Q. Would you know it on the map?

A. No, sir.

Q. What did you do in Guanaquillo?

A. When we arrived at Guanaquillo the Captain ordered the

boat to be lowered down, and with those three packages we took over two grips, or valises, and they were turned over to Francisco Valle.

Q. Who took the packages ashore?

A. The Captain Carlos Valle, the Supercargo Andrés Grillasca and myself.

Q. The three of you?

A. Yes.

Q. Now were they put in suit cases or valises?

A. Yes, sir, those three packages were put inside of two valises.

Q. How large valises?

A. The common grip or valise.

209 Q. A small one or a large one?

A. About this size. (Indicating with his hands).

Q. A telescope valise, or what kind of a valise?

A. Those valises that they sell here that cost $2.50.

Q. What time was this—day time or night time?

A. When we delivered the packages it was at night time.

Q. Now as soon as you arrived at Guanaquillo did you immediately go ashore?

A. Before we arrived there the Captain got hold of a lantern and began to make signals ashore, putting it up and down.

Q. Captain Valle, the defendant here?

A. Yes.

Q. Was this before or after you had come to anchor?

A. Before we arrived. Afterwards we lowered the boat.

Q. State whether or not you saw any answering signals from ashore?

A. Yes.

Q. What were they?

A. With another lantern.

Q. Now who did you say that these packages were delivered to when you arrived on shore?

A. When we went ashore we met Francisco Valle and they were turned over to him.

Q. Was he on the beach? Where was he?

A. No, it is not a beach, it is just a rock or cliff there.

Q. Any habitations around there?

A. No, sir.

Q. How far is it from Mayaguez?

A. Sometimes with fair wind—good wind—you take a couple of hours.

Q. Now what was done with these grips?

210 A. He took charge of them.

Q. Who? Francisco Valle?

A. Yes.

Q. What did you and Carlos and Andrés do?

A. Well then, we went back on board and proceeded on our trip to Ponce.

Q. Do you know what was contained in those three packages?

A. After we had cleared for Ponce he said to us that they contained tickets.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. Who said that to you?
A. Both the Captain and the Purser.
Q. The Purser also told you?
A. Yes, sir.
Q. What did he tell you that the packages contained?
A. He said those packages contained tickets.
Q. Why did he tell you that? Did you ask him?
A. No, we did not ask him, but he made the statement to us.
Q. He told you without asking?
A. Yes, he said that to us so as to prevent us from squealing.
Q. Did he tell you not to squeal, or tell anybody?
A. Yes, sir.
Q. Who told you that—both of them?
A. Both of them—the Captain and the Supercargo.
Q. Were they together when they told you, or did they tell you one after the other?
A. We were all standing around. The sloop is about this long (indicating).
211 Q. Now during the trip from Santo Domingo to Guanaquillo you said that the Captain told you that they were sweets.
A. Yes, sweets.
Q. And this about the tickets he told you after he landed them?
A. Yes, after the packages had been delivered to Francisco Valle.
Q. How do you know that the packages were delivered to Francisco Valle?
A. Because I saw it; I went ashore with them.
Q. Did you deliver the packages yourself?
A. No, they delivered the packages and I remained getting hold of the boat there, because the sea is rough there.
Q. So that you were in the boat attending to the boat, were you?
A. Yes, I was taking care of the boat while they were engaged in the delivery of the packages.
Q. At what distance were they from him when the delivery of the packages was made?
A. When we went ashore?
Q. Yes.
A. Well, supposing that the boat was here; they were at a distance as where those gentlemen are sitting.
Q. It was at night time, was it?
A. Yes, it was more dark than clear.
Q. It was quite dark, was it not?
A. Yes.
Q. They had to use a lamp to make signals?
A. Yes, sir.

Q. Could you see Francisco Valle at that distance and recognize him?

A. The lantern was lit and I was standing here; why could I not recognize him?

212 Q. Where was the lantern lit?

A. Francisco Valle got it. He got one and there was another one which the Captain had taken there on board the sloop with him.

Q. Where did he have the lantern, in the hand?

A. Who?

Q. Francisco Valle.

A. I didn't notice in which hand he carried it.

Q. Didn't you say that you recognized him by the light of the lantern?

A. I did.

Q. Did he have the lantern close or near to his face?

A. Yes, they were talking and he had his arm stretched with the lantern in that way (indicating).

Q. And yet they delivered to him two valises full of tickets, did they?

A. Yes, the three packages that came were put inside of the valises and the valises turned over to him.

Q. What did he do with the lamp so as to get hold of the valises?

A. He dropped the lantern.

Q. So he didn't drop the lamp until you recognized him and he got hold of the valises?

A. Yes, sir.

Q. At what distance did you say that Francisco Valle was when you saw him and recognized him?

A. As from here, the witness stand, to where Valle is sitting. I had to recognize him because I have gone about with him.

It is agreed by counsel that the distance pointed out by the witness is approximately ten meters.

Q. Now you say that from Guanaquillo you went to Ponce, did you not?

213 A. Yes, sir.

Q. After you landed at Ponce did you tell any one that Carlos Valle had told you that the packages contained lottery tickets?

A. No, sir, nobody.

Q. You never told anybody?

A. Nobody.

Q. Is this the first time that you say it?

A. No, I have made that statement three times—in the court at Mayaguez, up here, and down here.

Q. Who was the first person to whom you told this story?

Mr. Landers: What is the purpose of this, if Your Honor please?

Mr. Travieso: If Your Honor please, here is a man who is told something, and he is told by the man who has told him to keep it to himself. Now I want to know how it was found out that he had

all this knowledge and information so as to see what interest he has in testifying.

The Court: Do you object?

Mr. Landers: I object, certainly.

The Court: The objection is overruled. Proceed.

Q. When did you tell about this for the first time?

A. When we were caught in Mayaguez; when we were taken from Boqueron to Mayaguez.

Q. Who took you from Boquerón to Mayaguez?

A. The detective.

Q. And you told the detective, for the first time, that you knew all of this?

A. I testified the truth there before the prosecuting attorney.

Mr. Travieso: No more questions.

214 Redirect examination by Mr. Landers.

Q. Are you acquainted with Francisco Valle?

A. Yes, sir.

Q. How long have you known him?

A. I have known him ever since I was a boy, as I used to live in Boquerón, and I also sailed with him.

Q. You are intimately acquainted with him, then?

A. Yes, they are from Cabo Rojo, and most of the time they are in Boquerón.

Q. Did you hear any one speak when they landed that night?

A. He was alone there; he was the only person there.

Q. Did Carlos holler to the man ashore with the lantern?

A. Before that they had communicated by the signals with the lantern.

Q. Is there any custom house there?

A. No, there is no custom house there.

Landers: That is all.

Witness withdraws.

215 DANIEL RODRIGUEZ, called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?

A. Daniel Rodriguez.

Q. What is your business?

A. Seaman.

Q. Do you know Captain Valle?

A. I do.

Q. How long have you known him?

A. I do not know how long.

Q. Did you ever work on the sloop Vencedor?

A. I did.

Q. Did you ever go to Santo Domingo on her?
A. I did.
Q. How many trips did you make?
A. Three.
Q. Where did you sail from on the first trip?
A. From Ponce.
Q. When did you leave Ponce?
A. I do not remember.
Q. Who was with you on that trip?
A. Manuel Román and Juanito Ramîrez.
Q. Who was Purser?
A. Andrés Grillasca.
Q. This gentleman sitting here (pointing to the defendant)?
A. I do not know.
Q. Where did you go in Santo Domingo?
A. To the Capital of Santo Domingo.
Q. What kind of a cargo did you take over there?
A. Onions.
216 Q. What did you bring back?
A. Ballast and three packages.
Q. No cargo outside of that?
A. No. Only three packages.
Q. Where did you get the packages?
A. I do not know who delivered them there.
Q. You saw them on board ship?
A. Yes, I saw them there.
Q. And after you left Santo Domingo where did you sail to?
A. To Guanaquillo.
Q. What did you do at Guanaquillo?
A. They were unloaded there.
Q. Who took them ashore?
A. Juanito Ramîrez, Captain Valle and Andrés Grillasca.
Q. What did these packages contain?
A. Captain Valle said to me that they contained sweets.
Q. Did you hear him make any other statement in reference to them?
A. After he came on board he said that they were tickets.
Q. After he had landed them?
A. Yes, after they were discharged.
Q. Now after you landed the tickets where did you go?
A. To Ponce.
Q. Now did you make another trip on the Vencedor?
A. I did.
Q. When?
A. I do not know; I do not remember.
Q. Well, approximately how long after the first trip?

(This question was not answered.)

Q. Well, where did you sail from?
A. From Ponce.
217 Q. Where did you go from Ponce?
A. To Boquerón.

Q. Then where did you go? Did you come to San Juan?
A. Yes, sir, to San Juan.
Q. Did you leave San Juan and go to Santo Domingo?
A. Yes, from here to Santo Domingo.
Q. Now who was with you?
A. Antonio Morales.
Q. Who else?
A. The Indian.
Q. Well, never mind, where did you go to in Santo Domingo?
A. To the Capital.
Q. Did you have any cargo on the second trip?
A. Furniture.
Q. Did you bring back anything from Santo Domingo?
A. No, sir.
Q. Did you have any packages?
A. Three packages.
Q. Where did you go after leaving Santo Domingo?
A. To Joyuda.
Q. Where is Joyuda with reference to Guanaquillo?
A. I do not know the distance.
Q. Well, is it close to Guanaquillo?
A. It is distant.
Q. Well, you went to Joyuda; what did you do at Joyuda?
A. We discharged the three packages there.
Q. Who put them ashore?
A. Captain Valle.
Q. Who else?
A. And Antonio Morales.
218 Q. Anyone else?
A. And myself.
Q. What did you do with the lottery tickets when you went ashore with them?
A. We did nothing.
Q. How long did you stay ashore?
A. A short time.
Q. Who returned back to the ship with you?
A. Captain Valle.
Q. Did he take the packages back to the ship?
A. No, sir.
Q. What did he do with them?
A. I do not know what he did with them.
Q. After you got back to the ship where did you go?
A. To Mayaguez.
Q. Now, did you make any other trip?
A. Yes, sir.
Q. When?
A. I do not know.
Q. Where did you sail from?
A. From here—from San Juan.
Q. Where did you go to?
A. To La Romana.

Q. Did you have any cargo?
A. Yes, sir.
Q. What?
A. Furniture belonging to the Dominican Consul.
Q. How long did you stay at La Romana?
A. I do not know the time.
Q. Well, when you left Romana where did you go?
A. Back to Porto Rico.
219 Q. Did you have any cargo coming back?
A. Three packages.
Q. Where did you get the packages?
A. At La Romana.
Q. Where did you land in Porto Rico?
A. At Joyuda.
Q. Now on the second trip, when you landed at Joyuda, do you know what was contained in those packages that you landed there?
A. I did not know it.
Q. Did you hear anybody say?
A. Neither.
Q. Did you hear the Captain make any statement with reference to what the contents were?
A. No, sir.
Q. How were they wrapped up—do you know?
A. I did not notice.
Q. Now on the third trip you say you brought three packages to Joyuda?
A. Yes, three packages.
Q. When did you arrive there—day time, or night?
A. About four o'clock.
Q. Day or night?
A. No, at night.
Q. Now on the second trip what time did you arrive there?
A. I do not know on the second trip.
Q. Well, what did you do with the packages when you arrived at Joyuda?
A. Captain Valle took them ashore.
Q. Did you go ashore?
A. No, sir.
220 Q. Who went ashore?
A. The Captain.
Q. Anybody else?
A. Nobody else.
Q. Now did you hear, on either of these two trips, the Captain make any statement as to what these packages contained after he had landed them on the beach?
A. He said that they were tickets.
Q. When did he say that?
A. On the first trip.
Q. Well, did he say what the packages contained on the second trip?
A. No, on the second trip he said nothing to me.

Q. Or on the third?
A. Neither.
Q. How were these packages—similar in size, shape and character?
A. I did not notice.

Mr. Landers: That is all; take the witness.

Cross-examination by Mr. Travieso:

Q. Now after these packages were left at Joyuda and the Captain came on board, you say the Captain did not say anything about the contents of the packages?
A. Not to me; he said nothing to me.
Q. Did he say anything to any other person in your presence?
A. No, sir, not in my presence; he said nothing in my presence.
Q. Were you and the other sailors always together on board?
A. Some of them.
Q. That boat was not very big, was it?
A. No, sir.
Q. So you had to keep together in a small place, the
221 Captain and all of you?
A. Yes, sir.
Q. Now if the Captain had said, after he came on board, if he had said anything to the other sailers about those packages, you would have heard that would you not?
A. Yes, I would have heard it.
Q. And nothing was said about the packages?
A. He said nothing in that regard in my presence.
Q. On any of the three trips did he say anything to the sailers?
A. I did not hear him.
Q. On that trip where you say that Grillasca was Purser did the Captain say anything about the packages containing tickets?
A. He did.
Q. Why didn't you say that before?
A. Because I didn't know it, because he said that they contained sweets.
Q. So you forgot to say that before, did you?
A. (This question was not answered.)
Q. When did he tell you that the packages contained sweets?
A. On the first trip it was when he said that.
Q. What did he tell you they contained on the second trip?
A. He said nothing.
Q. Didn't you ask him?
A. I did not.
Q. Did you ever see for yourself what the packages contained?
A. No, sir.
Q. What else did the Captain tell you when he said to you that the packages contained tickets?
A. He said nothing to me.
Q. Didn't he make any recommendation not to tell anybody?
A. He said nothing to me.

222 Q. All he told you was that the packages contained lottery tickets?
A. Yes, that they were tickets.
Q. Did he tell you that while you were alone, or did he say that in the presence of others?
A. Well, in the presence of all those that were standing around.
Q. Now please repeat what the Captain said exactly; his words as you remember them?
A. We left the port of Ponce——
Q. No, don't start so far back. After the packages were landed and the Captain came back on board, what did the Captain say in your presence and in the presence of the others?
A. That they were tickets.
Q. Who asked him—was it you or Juan Ramirez—who asked him what the packages contained?
A. I didn't see him ask him.
Q. But somebody asked him, did they not?
A. I don't know.
Q. What did the Captain say, that you remember?
A. He said that they were tickets, and nothing else.
Q. He didn't say any other word?
A. Not to me; he said nothing else to me.
Q. Did he say anything to the others there in your presence?
A. Not in my presence.

Mr. Travieso: That is all.
Mr. Landers: That is all.

Witness withdraws.

223 ANTONIO MORALES, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Antonio Morales.
Q. What is your business?
A. Seaman.
Q. Do you know Captain Valle?
A. Yes, sir, I do.
Q. Do you know the ship Vencedor?
A. I know it.
Q. Did you ever sail on the sloop Vencedor?
A. I have.
Q. How many trips?
A. Two.
Q. Where did you go to?
A. One to Santo Domingo, and the other one to La Romana.
Q. In Santo Domingo?
A. Yes.
Q. Where did you sail from on the first trip?

A. Santo Domingo.
Q. Where did you sail from?
A. Right here—San Juan.
Q. Do you remember the date?
A. The 30th of July.
Q. Who went on that trip?
A. Antonio Acosta, Serafín Montalvo, Daniel Rodriguez, Antonio Morales, myself, and Captain Valle.
Q. What cargo did you take, if any?
A. Ballast.
224 Q. Where did you clear for?
A. Bound for the Capital of Santo Domingo.
Q. Who employed you for that trip?
A. Captain Valle.
Q. How long did you stay in Santo Domingo?
A. Two days.
Q. Do you remember when you arrived at Santo Domingo?
A. On the 4th.
Q. Arrived at Santo Domingo City on the 4th of August?
A. Yes.
Q. Did you take on any cargo in Santo Domingo for the return trip?
A. Three packages.
Q. Where did you get these packages?
A. At the wharf of Santo Domingo.
Q. Who put them aboard ship?
A. A gentleman there.
Q. Where was Captain Valle at this time?
A. He was in town.
Q. What kind of packages were these?
A. Three small packages, wrapped up in burlap.
Q. Now where did you go after you left Santo Domingo?
A. To Joyuda.
Q. Can you show me Joyuda on the map?
A. I am not much familiar with maps.
Q. Do you know where Guanaquillo is (showing a map to the witness)?
A. Guanaquillo is there (indicating on the map).
Q. And where is Joyuda?
A. Here (indicating on the map).
225 Q. Now where is Mayaguez?
A. Here (indicating on the map).
Q. And where is Ponce?
A. (This question was not answered.)
Q. And where is Guanaquillo?
A. (The witness indicates on the map.)
Q. Then Ponce would be here (Indicating on the map)?
A. Yes, sir.
Q. Now when you returned from Santo Domingo City in August you say you went to Joyuda?
A. Yes, sir.

Q. Now show where you landed on the first trip; where did you go to?
A. To Guanaquillo on the trip on which I went.
Q. On the first trip?
A. I didn't go on the first trip; the second trip.
Q. The second trip that was made, you were on that trip?
A. I was.
Q. After leaving Santo Domingo where did you direct your course to?
A. Towards Porto Rico.
Q. Where did you land?
A. Joyuda.
Q. At this point (indicating on the map with pencil)?
A. Yes.
Q. Whereabouts at that point?
A. Right in the Joyuda haven.
Q. Right in that little bay?
A. Yes.
Q. What time did you arrive at Joyuda?
A. The night had already set in; it was already night time.
226 Q. What did you do there at Joyuda?
A. There we discharged the three packages in question.
Q. Who took them ashore?
A. Daniel Rodriguez, the Captain and myself.
Q. What did you do with them ashore?
A. The Captain remained with them on shore.
Q. And what did you and Rodriguez do?
A. We returned on board.
Q. Did the Captain return?
A. Yes, he did return.
Q. How long afterwards?
A. Well, we did not have any watch, but a reasonable or approximate estimate, about half an hour later.
Q. Do you know what was in those packages?
A. He said to us that the packages contained tickets.
Q. Who was "he"?
A. The Captain.
Q. Now after landing these packages where did you go?
A. To the port of Mayaguez.
Q. And entered at the Custom House?
A. Yes, sir.
Q. Now, did you make another trip to Santo Domingo?
A. Yes, afterwards.
Q. What date?
A. On the seventeenth of September.
Q. Where did you leave?
A. From here—from San Juan.
Q. And where did you go to?
A. Bound for the Romana.
Q. Loaded with what?

A. We used furniture belonging to the Dominican Consul.
27 Q. Did you have the same crew?
A. No, sir.
Q. Who was with you?
A. Juan de la Cruz, Daniel Rodriguez, and myself.
Q. How long did you stay at Romana?
A. About fifteen days.
Q. What were you doing there?
A. Waiting for the arrival of the Dominican Consul to deliver him the cargo which the ship had brought.
Q. And did you sail direct from Romana to Porto Rico?
A. Yes, sir.
Q. Do you remember the day you left Romana?
A. The second clearance was secured and we left after midnight; at is, on the third; after midnight of the second.
Q. Second of what?
A. October.
Q. Where for?
A. For Porto Rico.
Q. And where did you land?
A. Right at the same port of Joyuda.
Q. Now before leaving Romana did you take on any cargo?
A. I didn't receive any.
Q. Did you see any come on?
A. No, sir, I didn't see it; I wasn't there.
Q. When you arrived at Joyuda what was done, if anything?
A. They discharged the three packages which had been loaded the other seamen.
Q. You mean those which had been loaded by the other seamen Romana?
A. Yes, sir.
Q. What time did you arrive at Joyuda that time?
A. At night time also.
Q. Who took these packages ashore?
A. Daniel Rodriguez, Captain Valle, and myself; it was the last trip; on the first trip there were others.
Q. Who took the packages ashore at Joyuda on the last trip?
A. Antonio Acosta, Antonio Morales, and the Captain.
Q. That is yourself, isn't it?
A. Yes.
Q. What was contained in those packages that you landed in ober at Joyuda?
A. The Captain said to us that the packages contained tickets.
Q. Do you know what the Captain did with the packages?
A. He remained ashore and we went back on board.
Q. The same as he did on the prior trip?
A. Exactly.
Q. And after he returned to the ship what, if anything, did do?
A. Then we proceeded to Mayaguez.
Q. And entered at the Custom House?
A. Yes, sir.

Q. You were only on two trips?
A. Yes, sir.
Q. The trip of July 30 leaving San Juan, and the trip of September 17 leaving San Juan.
A. Yes, sir.
Q. And on both trips you landed back at Joyuda?
A. Yes, sir.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. Now what did Captain Valle tell you about those packages that you have mentioned?
A. To take care that those packages should not get wet on board because they contained tickets.
229 Q. Didn't he say that they contained sweets?
A. No, sir, not to us.
Q. So from the beginning he told you that they contained tickets?
A. Yes, sir, on the way down from Santo Domingo to Porto Rico.
Q. So that you knew at the time that those packages were landed that they contained lottery tickets?
A. Yes, sir, because he had made that statement to us.
Q. Did you know at that time that it was prohibited to bring those lottery tickets into Porto Rico?
A. As we were seamen on that vessel and our only duty as such seamen was to load and discharge at different ports we might happen to touch.
Q. Now you say that you sailed from Porto Rico on September 17 on the last trip; isn't that the date?
A Yes, sir.
Q. When did you come back to Porto Rico?
A. The fifth of October.

Mr. Travieso: That is all.
Mr. Landers: That is all.

Witness withdraws.

230 SERAFIN MONTALVO, being called as a witness in behalf of the Government, was duly sworn and testified as follows.

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Serafín Montalvo.
Q. What is your business?
A. Seaman.
Q. Do you know Captain Valle?
A. I know him.
Q. Do you know the sloop Vencedor?
A. I also know her.
Q. Did you ever work on her?
A. Yes, I sailed there.

Q. Who employed you?
A. Carlos Valle.
Q. Where?
A. At Boquerón.
Q. Did he say where he was going?
A. For Santo Domingo.
Q. For what purpose?
A. To sell the ship.
Q. And how were you going to get back?
A. In a steamer.
Q. Well, did you sail for Santo Domingo?
A. We did sail.
Q. Where did you sail from?
A. From San Juan.
Q. What date?
A. On the 30th of July?
Q. Where did you go to?
231 A. To the Capital of Santo Domingo.
Q. What did you have when you left here?
A. In ballast.
Q. When did you arrive in Santo Domingo?
A. We arrived there on the 4th.
Q. How long did you stay?
A. Two days.
Q. When you left did you bring any cargo away?
A. Three packages.
Q. Where did you sail to?
A. Towards Porto Rico.
Q. Did you make any landing?
A. At Joyuda.
Q. At what time did you arrive there?
A. At ten o'clock, in the night.
Q. What did you do at Joyuda?
A. Discharged three packages.
Q. Who took them ashore?
A. Antonio Morales, Antonio Acosta, and Captain Valle.
Q. Do you know what was contained in those packages?
A. Tickets.
Q. How do you know it?
A. Because Captain Valle informed me so.
Q. Now after you landed the tickets what did you do?
A. We proceeded to Mayaguez.
Q. Were you helmsman on the way back from Santo Domingo—
id he steer the boat coming back?
A. Yes, sir.
Q. What orders, if any, did the Captain give you as to where
ou should head for?
A. To take the course of Joyuda.
32 Q. Did you make any other trips on the Vencedor?
A. No more.

Q. You say that Acosta and Morales went ashore with the Captain at Joyuda?
A. Yes.
Q. Did the three of them return to the ship together?
A. No, sir, only two of them.
Q. Who?
A. Antonio Morales and Antonio Acosta.
Q. How did the Captain return?
A. In a private boat.
Q. Who brought it out?
A. A seaman there from Joyuda.
Q. You don't know who he was?
A. No, I do not know him.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. When did the Captain tell you that the packages contained lottery tickets?
A. On the way from Santo Domingo to Porto Rico.
Q. Why did you ask him about the contents of the packages?
A. He himself made that statement to us in conversation.
Q. You didn't ask him, did you?
A. No, sir.
Q. Did you have any curiosity about what the packages contained?
A. Neither, no sir.
Q. So he told you of his own free will without being asked?
A. Yes.
Q. How many trips did you make—only one?
A. Only one.
233 Q. Do you remember what the Captain told you—the exact words, more or less?
A. I do not remember.
Q. What conversation did you have about the packages?
A. I with him? None.
Q. How did he come to talk about the packages and tell you that they contained tickets?
A. He himself made that statement to us.
Q. So that everything that the Captain said was: "These packages contain tickets;" is that all he said?
A. Yes, sir.

Mr. Travieso: That is all.

Redirect examination by Mr. Landers:

Q. Was he bragging about the fact that he had lottery tickets?
A. Yes, sir.
Q. Now did the Captain make any explanation to you as to why he did not sell the boat over there in Santo Domingo?
A. No, he did not say.

Mr. Landers: That is all.

Witness withdraws.

234 ANTONIO ACOSTA, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Antonio Acosta.
Q. What is your business?
A. Sailor.
Q. Do you know Carlos Valle?
A. I know him.
Q. Do you know the sloop Vencedor?
A. Yes, sir.
Q. Were you ever employed on that boat?
A. Yes, sir.
Q. By whom?
A. The Captain, Carlos Valle.
Q. What did Valle say to you when he employed you? Did he state where he was going?
A. To Santo Domingo.
Q. Did he state for what purpose?
A. When we sailed off, yes, he told us.
Q. When he employed you did he say for what purpose he was going to Santo Domingo?
A. When we were in the open he then said that we were going to get lottery tickets.
Q. That was after you had sailed?
A. Yes, that was after we had sailed.
Q. Now, when did you leave San Juan?
A. I do not remember the date.
Q. Who was with you?
A. Serafín Montalvo, Daniel Rodriguez, myself, and the Captain.

235 Q. Now on the way between San Juan and Santo Domingo what statement did he make to you with reference to his purpose in going to Santo Domingo?
A. He said that it was only for ticket purposes.
Q. Did you have any cargo?
A. Ballast.
Q. Where did you land in Santo Domingo?
A. In the Capital.
Q. How long did you stay there?
A. Two days.
Q. Take on any cargo there?
A. Three packages.
Q. Who brought the packages there?
A. A coon—a nigger.
Q. What did you do with the packages.
A. They were discharged at Joyuda on our return trip.
Q. What time did you arrive at Joyuda?
A. I do not know the hour, but we got there at night.
Q. Who took them ashore?

A. Myself, Antonio Morales, and the Captain.
Q. What did you do with them when you got them on shore?
A. Well, we discharged the packages and he staid ashore with the packages.
Q. And what did you do?
A. We returned on board?
Q. Did the Captain afterwards return on board?
A. Yes, in another vessel, about two hours later.
Q. Do you know what those packages contained?
A. I know that they were tickets owing to the fact that he made the statement.

Mr. Landers: Take the witness.

236 Cross-examination by Mr. Travieso:

Q. Now when the Captain told you on the trip from here to Santo Domingo that he was going for lottery tickets, did he tell that to you alone?
A. To me alone.
Q. What was your position in the boat?
A. I am a sailor, but I was acting as boatswain there.
Q. How did the Captain happen to tell you? Did you ask him what he was going to Santo Domingo for?
A. He made the statement to me after we had sailed out.
Q. Without you asking him?
A. No, sir.
Q. Now did you see any lottery tickets brought by him?
A. I saw the packages wrapped up in burlap.
Q. But you do not know what the packages contained, do you?
A. Billetes, according to what he said.
Q. Who said that?
A. The Captain.
Q. Did you ask him what those packages contained?
A. I did not ask him.
Q. Did he tell that to you alone, or did he tell everybody on board?
A. All of us knew that.
Q. He told it to everybody on board, did he?
A. He did.
Q. He was not concealing the fact that he was bringing tickets, was he?
A. Not on board.

Mr. Travieso: That is all.

Witness withdraws.

237 JUAN DE LA CRUZ, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Juan de la Cruz.

Q. What is your business?
A. Sailor.
Q. Do you know Carlos Valle?
A. I do.
Q. Do you know the sloop Vencedor?
A. I do.
Q. Did you ever work on her?
A. Yes, I went as a seaman to the Romana.
Q. How many trips?
A. The last trip.
Q. In what capacity?
A. Sailor.
Q. Where did you sail from?
A. From here—from San Juan.
Q. For Romana?
A. Yes, for the Romana.
Q. What cargo did you take, if any?
A. Furniture.
Q. How long did you stay at Romana?
A. About fifteen days; I estimate fifteen days; that is according to my estimate.
Q. Do you remember the date you left here?
A. I do not remember the day; I know it was by the middle of September.
Q. Now when you left Romana, where did you go?
238 A. To Porto Rico—to Joyuda.
Q. Before leaving Romana did you take on any cargo?
A. Three packages.
Q. Where did those packages come from?
A. The packages I received at night time when it was dark, in a hill or mountain.
Q. Who gave them to you?
A. I do not know the man who delivered them to me; it was a tall fellow dressed in white.
Q. What did he say to you?
A. He didn't speak to me at all, he spoke to the Captain, because I went ashore with the Captain.
Q. You went ashore with the Captain?
A. Yes, I went after him.
Q. What did you do with the packages then?
A. When they brought them on board they told me to load them there, and I loaded them in the hold.
Q. Now when you arrived at Joyuda what did you do with the packages?
A. I remained on board and they took them ashore.
Q. Who went ashore?
A. The Captain and the other two seamen.
Q. Do you know what was contained in those two packages?
A. I was told that the packages contained lottery tickets, but I do not know it.
Q. Who told you that the packages contained lottery tickets?

A. The Captain said that it was a lot of tickets; that they were packages of tickets.

Q. Did the Captain say anything else to you after he told you that they contained lottery tickets?

A. He said nothing further.

239 Mr. Landers: Take the witness.

Cross-examination by Mr. Trevieso:

Q. When did the Captain tell you that?

A. While we were on board, when I went to load them, when he said to me to put them in a place where they could not get wet.

Q. Were you alone with the Captain when he said that to you?

A. Yes, both of us were on board.

Q. But only you and the Captain?

A. No, all of us were on board.

Q. The Captain did not tell you before that they were tickets, did he?

A. Not before.

Q. On what date was that trip that you refer to?

A. In September.

Q. What day—do you remember?

A. I do not remember the day on which we sailed nor the day on which we returned, or on which we arrived.

Mr. Travieso: That is all.

Mr. Landers: That is all.

Witness withdraws.

240 VICTORIANO SOLER, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers:

Q. What is your name?

A. Victoriano Soler.

Q. What is your business, Mr. Soler?

A. I am customs officer at the port of Mayaguez.

Q. How long have you been such?

A. Six years.

Q. Do you know Captain Valle, the defendant?

A. Yes, sir.

Q. Do you know the sloop Vencedor?

A. Yes.

Q. Please state whether or not she entered the port of Mayaguez during the early part of August of last year?

A. On the 8th day of August he made entrance at the port of Mayaguez coming from Santo Domingo, and on the 5th day of October of the same year he made a second entrance from La Romana, Santo Domingo.

Q. Now state whether or not Captain Valle stated to you that he had come direct from Santo Domingo without making a stop in Porto Rico.

A. Of course he swore that on the manifest and on the oath of entrance.

Q. Have you got that entrance?

A. The oath is in the head office of the Collector of Customs, because we send that with the manifest, but I have the manifest here where I have certified the entrance.

Q. Let me see it?

A. What trip do you want?

Q. The first trip.

A. (Witness produces a paper.)

241 Q. You have not got his entry here?

A. No, that is kept in the head office.

Q. Have you got the crew list?

A. Those are the articles of the vessel.

Q. What are these?

A. That is the clearing from Santo Domingo.

Q. All of these are relative to the entry at Mayaguez?

A. Yes, all of them.

Mr. Landers: I offer them in evidence, if Your Honor Please.

The Court: Any objection?

Mr. Travieso: No objection.

The documents in question were then placed in evidence and marked Exhibit "DDDD" for the Government.

Q. Have you the second one?

A. Yes, it was October 5.

Q. And that is just the same?

A. Yes, just the same.

Mr. Landers: I offer this also.

The Court: Any objection?

Mr. Travieso: No objection.

The documents in question were then placed in evidence and marked Exhibit "EEEE" for the Government.

Q. Did you have any conversation with Carlos Valle?

A. Not with Carlos Valle.

Q. You didn't have any with Carlos Valle?

A. No.

Mr. Landers: That is all.

Mr. Travieso: That is all.

Witness withdraws.

242 ENRIQUE CERECEDO, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?

A. Enrique Cerecedo.

Q. What is your business?

A. Clerk of a commercial establishment.

Q. Where?
A. Of the firm of Cerecedo Hermanos & Company.
Q. In the house of one of the defendants?
A. Of Cerecedo Brothers & Company.
Q. Is the defendant here a member of that firm?
A. He is.
Q. Is Mr. Grillasca connected with that firm?
A. No, sir.
Q. Did he work for it?
A. He has worked for it.
Q. Was he working for them in June, 1913?
A. I cannot state that exactly, because he suffered some illne
and he withdrew from the firm.
Q. Do you know whether he made a trip to Santo Domingo f
the firm or not, Mr. Cerecedo?
A. I do not know it.
Q. Read this letter, Mr. Cerecedo (handing a paper to the wi
ness).
A. (The witness reads the letter to himself.)
Q. Do you recognize that letter?
A. I do.
Q. Who wrote that letter?
A. I did.
243 Q. Whose letter-head is that?
A. The letter-head used by the firm.
Q. What firm?
A. Cerecedo Hermanos & Company.
Q. By whose dictation did you write that letter?
A. By order of the chief of the firm.
Q. Mr. Manuel Cerecedo?
A. Yes, sir.
Q. Where is San Patricio?
A. San Patricio is a station between Martin Peña and Bayamó
Q. Up at the head of the bay, is it not?
A. Yes, across the bay.
Q. Your brother has a finca out there, has he not?
A. That is precisely what is called San Patricio.
Q. His finca?
A. No, that property belongs to a brother of mine who is absen
who is not in Porto Rico.
Q. Do you know whether that is connected with San Juan t
telephone or not?
A. I did not know that until this morning when the Distri
Attorney produced to me the book where the number of the tel
phone appears.
Q. What is that number, if you remember?
A. I do not know, because I have paid no attention to it.

Mr. Landers: I offer this letter in evidence.
The Court: Any objection?
Mr. Travieso: No objection.
The Court: It is admitted.

The letter in question was then placed in evidence and marked Exhibit "FFFF" for the Government, and was read to the jury by the District Attorney.

244 Q. At the time that you wrote that letter, Grillasca had just returned from Santo Domingo, hadn't he?
A. I do not know; he was at his house.
Q. How do you know he was at his house?
A. Because he advised, or notified, that he was going to leave for Ponce—was about to leave for Ponce.
Q. Where does he live?
A. I do not know exactly. He spends some time in Utuado.
Q. Well, where did he send advice from that he was going to Ponce?
A. From Utuado.
Q. And you received advice from Utuado that Andrés was there and was on his way to Ponce?
A. No, he advised us, or notified us.
Q. That is what I say; the store received advice that Andrés was about to leave for Ponce. What date was that advice?
A. I do not remember that.
Q. Was it before writing this letter?
A. Yes, sir.
Q. How many days before?
A. It may have been the day before, or the same day—I cannot say.
Q. If Andrés left Ponce for Santo Domingo on the 9th of June and did not return until the night of the 20th or the morning of the 21st, how could he have been in Utuado?
A. I do not know whether he was in Utuado or not. The fact that I wrote that letter to him implied that he was here in the island and not in Santo Domingo.
Q. And you wrote this at the dictation of Manolo?
A. Yes.
Q. Do you know who Valentín is?
245 A. I do not know.
Q. What does C. R. mean?
A. I do not know it, either.

Mr. Landers: That is all.
Mr. Travieso: No questions.

Witness withdraws.

246 JUAN PEREZ ALVAREZ, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. What is your name?
A. Juan Pérez Alvarez.
Q. What is your business?
A. Commission merchant.
Q. Where is your place of business?

A. Tetuan Street, No. 5.
Q. Do you know the defendant Manuel Cerecedo?
A. I do.
Q. How long have you known him?
A. I have known him for many years.
Q. I show you exhibit "CC" for the Government, and a page on which it says "J. A. Pérez, San Juan." Please examine that account and state what it is.
A. This page shows some entries concerning some lottery tickets, as I infer from what I see here.
Q. Are they lottery tickets which you received from Manuel Cerecedo?
A. I suppose it must be those.
Q. Did you receive any lottery tickets from Manuel Cerecedo?
A. I did.
Q. Now on the 7/26 it shows here 100 at $2.20. Did you receive 500 tickets?
A. I cannot testify as to the dates, but I have received tickets.
Q. Who delivered those tickets to you?
A. These tickets came inside of a box—brandy box—sent by one of his peons.
Q. And was that ordered from Manuel Cerecedo, the defendant?
247 A. Yes, sir.
Q. And how much were you charged for those tickets?
A. What appears there—$2.20—$1100.00.
Q. Well, how much did you pay him?
A. That same amount.
Q. Did you pay him $1100.00.
A. Yes.
Q. That is correct, then?
A. Yes.
Q. Did you receive that four hundred tickets (referring to another entry)?
A. I did.
Q. At the same price?
A. At the same price.
Q. And you paid him $880.00?
A. Yes.
Q. And you subsequently received five hundred tickets?
A. Yes.
Q. And did you pay him $1100.00?
A. Yes, sir.
Q. And subsequently one hundred?
A. Yes.
Q. And you subsequently paid him $220.00?
A. Yes.
Q. And subsequently you received two hundred tickets?
A. Yes. Those tickets were taken there and then they were seized by the police.
Q. Those two hundred were seized by the police?

A. Yes.
Q. Were they paid for?
A. I didn't.
Q. Now you afterwards received fifteen hundred, and then
48 again fifteen hundred, and then again fifteen hundred?
A. No, I received nine packages together.
Q. Nine packages of how many each?
A. They might have contained five hundred, because afterward returned most of them—almost all of them.
Q. Now on the seventh you returned one package of five hundred f the drawing of the seventeenth; is that correct?
A. I suppose; I don't keep those things in my mind.
Q. And you returned 118 of the seventh?
A. Yes, more or less.
Q. And two packages of fifteen hundred?
A. Yes, complete, in the same condition in which I had received iem.
Q. Of what drawing were those nine packages that you received?
A. I do not remember.
Q. Did you look at them?
A. I looked at them, but I do not remember—no, I did not look t them; I only looked at these three (pointing to entries on the ook); the others I have not seen.
Q. What drawing is that?
A. I do not remember.
Q. Do you know Juan José Colón?
A. Yes, I know him.
Q. He works for Cerecedo, does he not?
A. He used to work there; I do not know whether he is still there.
Q. Did he ever make a delivery of tickets to you?
A. On two occasions he delivered tickets to me.
Q. On what date?
A. This and that one (indicating in the book). They were five undred and he took back one hundred from the pack.
Q. And he subsequently made a delivery of one hundred?
49 A. No, I don't remember how I got those other one hundred there.
Q. Well, these two hundred (indicating entry in the book)?
A. Yes, those two hundred were the ones that the police seized.
Q. Who delivered those to you?
A. He, one day at nine o'clock in the morning, and at twelve clock they were already in the possession of the police. I had not et counted them.
Q. Now I see a note here which says: Two hundred pending the rawing of 492?
A. Probably those are the ones that the police seized.
Q. Here is an account of one hundred to Mateo Rosello, two undred to Cecilia Espasas, forty-five to Benjamin Alonso; Do you now anything about those?
A. I have not ordered anybody to sell on my account; as soon as

I delivered them over I did not concern myself in making any further sales.

Q. Now how did you pay Cerecedo—personally, or did you send the money?

A. I forwarded the money to him.

Q. By whom?

A. As it might be suitable; sometimes I sent it with an employee of mine, or through whomsoever I saw fit.

Q. Did you ever have any tickets delivered to you out in Hato Rey?

A. He, no; but they delivered some to me there on his direction; they delivered to me there the nine packages.

Q. The nine packages were those forty-five hundred tickets charged there in this book, are they not?

A. Yes.

Q. How did you get those packages?

A. Mr. Cerecedo sent a card to me and with that card they had a similar one in that place; they checked them up and then
250 made the delivery to me.

Q. The man out there at Hato Rey had a card similar to the one that Cerecedo sent to you?

A. Exactly.

Q. And when he checked them up he delivered these nine packages?

A. Yes.

Q. And what did you do with them?

A. I left most of them in Santurce and I only took home one package.

Q. You left them out at a lady's house at Stop 23, didn't you?

A. No, I left them at the house of a friend of mine, but afterwards Mr. Cerecedo ordered them to be taken to a certain house at the Park.

Q. And did you take them there?

A. I sent them there; I didn't take them there.

Q. And what did you do with them afterwards?

A. Well, I left them there, and I did not concern myself any more about them.

Q. Now who was this man that Cerecedo gave the card to to deliver to you?

A. An employee of mine.

Q. Now he delivered to you about how many tickets during the summer?

A. I do not remember; I can't give you the number.

Q. Approximately between three and four thousand tickets?

A. I did not keep any account of that; therefore I cannot give you the exact number.

Q. What did you pay for the tickets?

A. What appears there—at the rate of $2.20 each.

Q. Did you recommend Cecilia Espasas to Mr. Cerecedo?

A. That lady asked me who had tickets for sale.

251 Q. And you sent her to Cerecedo?

A. Yes, I referred her to Cerecedo; I said that Cerecedo had tickets for sale and that she should call for them to him.

Q. Did you refer Benjamin Alonso to Cerecedo also?

A. I do not remember.

Q. I show you a document here—exhibit "YY" for the Government; examine it and state whether you have ever seen that before.

A. Yes, this is written by me.

Q. Now what is it—whom did you give it to?

A. This represents a payment which I was making him, and this name which appears here is the name of a person whom I recommended to him.

Q. And you signed your name as San Clodio?

A. Yes, as I saw fit.

Q. Now you say: Send today by express, invoiced in the name of Don Isidro Santana, of Barceloneta, 20 sacks of rice for Jaime Blanch, of Manatí. What is that?

A. Twenty tickets.

Q. Is that Jaime Blanch the man who was charged before this court with selling lottery tickets?

A. Well, he had a trial here; I don't know whether it was on that account or not.

At this time the court adjourned until 10 A. M., March 21, 1914.

252 March 21, 1914.

JUAN PÉREZ ALVAREZ, being recalled as a witness in behalf of the Government, testified as follows:

Direct examination by Mr. Landers (interpreted):

Q. How long were you doing business with Cerecedo in lottery tickets?

A. Well, I cannot give you the exact time, but that may be ascertained by an examination of the notes in the book.

Q. Then the book which I showed you yesterday correctly shows your account with Cerecedo in the purchase of lottery tickets?

A. Yes, according to the data which appears there and the transactions which I made, I think that they are correct.

Q. That substantially is correct?

A. Yes.

Q. Now who collected for these tickets?

A. I used to send him the money for the tickets; he never sent for it.

Q. By another party?

A. With several persons; I never sent the same person.

Q. Did you ever have any conversation or agreement with Cerecedo with reference to the tickets that you were to get from him?

A. Yes, before he had received them he had spoken to me as to the conditions under which the transaction was to be carried out.

Q. Now, after the drawing of July 13, state, whether or not you had tickets for each of the subsequent drawings?

A. I do not remember the dates of the drawings; I received tickets for three consecutive drawings, which were the ones that were returned in a great majority.

Q. That is, the 4500 tickets?

A. That is it.

253 Q. That was the 7th of September, the 21st of September, and the 12th of October?

A. No, I received them all together at the same time, on the same day, and at the same hour.

Q. I know, but they were for different drawings?

A. Yes.

Q. Now prior to that time you had purchased tickets in other drawings from Cerecedo, had you not?

A. Yes, prior to that, yes.

Q. Did you have tickets for the drawing of the 17th of August?

A. I cannot recollect the dates of the drawings.

Q. Well, you had tickets, then, in each of the prior drawings of September, did you not?

A. I did.

Q. And you got them from Manuel Cerecedo?

A. He didn't turn them over to me, but they belonged to him inasmuch as I paid to him.

Q. Now this card that you got calling for lottery tickets out in Hato Rey—what was on that card?

A. There were written there many signs which I do not remember now.

Q. Well, how did you know where to go and get them?

A. Because he said to the employee who brought the card that it was in Hato Rey.

Q. And you went with the employee?

A. I did; we went in a carriage.

Q. What house?

A. Out there; I do not remember; it was pitch dark in the night.

Q. Well, do you know who lived in that house?

A. No, I do not know; the only person that I saw there was a colored man; I had never gone before to that house.

Q. Do you know where Mr. Carlos María Soler lives?

254 A. I do not know; I was informed that he lived in that vicinity, but I do not know where.

Q. Do you know whether that was the house you went to or not?

A. I was told that that was the house, though I cannot assure whether it was or not.

Q. What stop was that?

A. 29½.

Q. How far is that from San Patricio.

A. Very distant, very far away from San Patricio.

Q. Where is San Patricio?

A. San Patricio is further away; you have to go there on the railroad to Bayamón.

Q. Now did you ever have a conversation with Manuel Cerecedo with reference to the sale of the tickets?

A. I had several conversations.

Q. With reference to the sale of tickets on the south side of the island?

A. Yes, he said to me that he had several persons selling for him in the island.

Q. Did he name any one in Ponce?

A. Yes, he said Lohengrais, of Ponce, sold a certain number of tickets for him.

Q. How many a month?

A. Three thousand.

Q. Now all these tickets you received were for the lottery in Santo Domingo?

A. All of them.

Q. Now I show you exhibit "AAA" for the Government. State whether or not you have ever seen them before.

A. No, I have never seen this before—yes, the part on the back, yes; this part here has been written by me, but this part, no.

255 Q. This part here signed San Clodio was written by you?

A. Yes, I have written this piece here.

Q. Whom did you give that to?

A. I handed that over to that same person.

Q. Well, who is he?

A. Mateo Rosello.

Q. For what purpose?

A. That was given for the purpose of giving it to Cerecedo—to Don Manuel—to see whether he would give some tickets.

Q. Now I show you the account in the ledger in which Mateo Rosello received one hundred tickets for the drawing of the 21st of September, charged to your account (showing the witness exhibit "CC" for the Government)?

A. From what appears in that paper and from what appears in that entry it must be so, although I never authorized him to charge that account to me; that was between themselves.

Q. I show you exhibit "ZZ" for the Government; state what that is; did you ever write that?

A. Yes, sir, this represents the payment which I made to him on the 18th of August.

Q. Of how much?

A. It appears on the face of the paper—$400.

Q. $440?

A. Yes, $440.

Q. Look at this entry here—August 20, $440 (showing the witness exhibit "CC" for the Government)?

A. That is the entry; it must be that entry because it agrees with the amount on that slip.

Q. And was that payment for lottery tickets received from Manuel Cerecedo?

A. For 200 tickets charged there.

256 Q. Now you say: I send you the balance of the former account—$440—and for this place I can take 500; 500 what?

A. Tickets.

Q. Paco can tell you how to send them to me; things must be done with caution;—who is Paco?

A. Paco was an employee whom I had.

Q. Now did you receive the 500 tickets?

A. I think that at that time it was that I received the nine packages.

Q. That is the 4500?

A. Yes.

Q. And those were for the three drawings?

A. Yes.

Q. Which you subsequently returned to Cerecedo with the exception of 500 tickets?

A. I do not remember the exact number which I returned; it appears there.

Q. Now who made those entries there in ink?

A. That is my own hand writing.

Q. You say: Values $319.50; Values $8.50—Total $328. What were those?

A. For the payment of those tickets.

Q. Were those prize tickets or were they money, or what?

A. Prize tickets.

Q. Then a check for $112—total $440?

A. Yes.

Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. What did you say your name was?

A. Juan A. Perez Alvarez.

257 Q. Why did you use the name of San Clodio to sign those papers that you say were signed by you?

A. So as to avoid putting my name there, as it had been agreed, as he already was acquainted with that name.

Q. You were afraid to use your own name, were you?

A. Yes, whenever he sent a paper to me he never put his name on it. He just wrote another name.

Q. Mr. Perez, what did you buy so many tickets for?

A. To play them myself.

Q. All of them?

A. All of them.

Q. So that at every drawing you played the number of tickets—sometimes as high as 500, that you took from Mr. Cerecedo?

A. I could not play them all because on certain occasions the police have seized some, and those I could not play.

Q. But if the police had not interfered with you you would have played all of those, would you?
A. Yes, I would have either played them or given them away, or something else.
Q. What is your business in town?
A. Commission merchant.
Q. Are you very wealthy?
A. Well, what I earn is sufficient to support myself; I ask nothing from anybody.
Q. And at that time you were investing your earnings in lottery tickets to give away to your friends, were you?
A. Yes.
Q. You didn't buy them for the purpose of selling them to other persons, did you?
A. No.

Mr. Travieso: That is all.

258 Redirect examination by Mr. Landers:

Q. You bought those tickets from Manuel Cerecedo, the defendant?
A. Yes, sir.

Mr. Landers: That is all.

A Juror: What amount is he indebted to Cerecedo for tickets? Those are the amounts that were returned?
The Witness: Nothing; I owe nothing to Cerecedo.

Witness withdraws.

259 José Colón, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. José Colón.
Q. What is your business?
A. Clerk.
Q. Who for?
A. The Cerecedo firm.
Q. How long have you worked for them?
A. Nearly two years and a half.
Q. Were you working for them last summer?
A. I was.
Q. Do you know Juan A. Perez?
A. I do.
Q. State whether or not you ever delivered any lottery tickets to Juan A. Perez last summer.
A. I delivered him two packages.
Q. At whose orders?

A. By order of Mr. Cerecedo.

Q. State the circumstances under which you delivered the first package of tickets to Juan Perez.

A. He handed over to me a package to take to him and I did not know what the package contained because it was closed.

Q. And when you reached Juan Perez's place of business what occurred, if anything?

260 A. I delivered the package to him.

Q. And did Juan Perez give you any of the tickets to return to Cerecedo?

A. A small package.

Q. Now did you ever deliver any more tickets to him?

A. Another package.

Q. How many days later?

A. I cannot remember.

Q. Do you know how many were in either of these packages?

A. No, sir.

Q. Who told you to deliver these packages?

A. Cerecedo.

Q. The Defendant?

A. Yes.

Q. You were traveling across the Island a good deal for Cerecedo, were you not?

A. No, sir.

Q. You were over across the Island in August of last year?

A. I went on a pleasure trip.

Q. On a pleasure trip. Do you know Lohengrais of Ponce?

A. By sight.

Q. Did you borrow any money from him?

A. I went there and he delivered to me thirty-five dollars which he had to give me.

Q. Didn't you go and borrow thirty-five dollars from him?

A. I went there to take over thirty-five dollars which he had there for me.

Q. Well, you got thirty-five dollars from him in August?

A. I did.

261 Q. Who wrote that telegram? (Showing the witness Exhibit TTT for the Government).

A. I did.

Q. Who did you write it to?

A. To Cerecedo.

The District Attorney then read the telegram in question to the Jury.

Q. Whose writing is that? (Showing the witness another telegram of the same Exhibit).

A. Mine.

Q. Did you write that?

A. I did.

Q. From where?

A. From Ponce.

Q. To whom?
A. To Cerecedo.
Q. The defendant?
A. Yes, sir.

The District Attorney then read the telegram in question to the Jury.

Q. Who is Octavio, of Ponce?
A. I don't know.
Q. Do you know Lohengrais?
A. Yes, sir.
Q. Is that Octavio?
A. No, sir.
Q. How do you know?
A. Because Arturo Lohengrais I have always known him by that name, Arturo Lohengrais.

Q. Do you know Andrés Grillasca?
262 A. Yes, sir.
Q. How long have you known him?
A. The time that I have been with the firm.
Q. How many years?
A. Over two years.
Q. You have seen him write frequently, haven't you?
A. Yes, sir; sometimes.
Q. Examine that telegram and that telegram and tell me who wrote them. (Showing the same exhibit to the witness).
A. It looks like his handwriting, but I cannot be sure whether it is his handwriting or not.
Q. It looks very much like it, doesn't it?
A. Yes, it looks like it, but I cannot assure it.
Q. Examine that telegram. Who wrote that? (Handing another telegram to the witness).
A. I suppose that the same man who wrote the other, but I cannot say whether it is his handwriting.
Q. Examine the telegram dated San Juan, July 26, 1913, addressed to Felipe Vaillant for Carlos Valle, Ponce, and signed Manolo, and state who wrote that telegram.
A. I did.
Q. At whose request?
A. Cerecedo.
Q. The defendant?
A. Yes.
Q. Examine telegram dated San Juan, June 18th, and addressed to Felipe Vaillant, Ponce, for Carlos Valle, and signed Manolo. Who wrote that telegram?
A. I don't know who wrote it.

Q. Please examine telegram dated San Juan, July 26,
263 1913, and addressed to Felipe Vaillant, for Carlos Valle, and signed Manolo. Who wrote it?
A. I did.
Q. At whose request?

A. Of Mr. Cerecedo.
Q. The defendant?
A. Yes.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. Who wrote that telegram? (Showing the witness a telegram addressed to Pedro Casanovas, dated San Juan, July 27, 1913, signed Manolo).
A. I did.
Q. By whose direction?
A. Cerecedo.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. Now I show you telegram addressed to Pedro Casanovas, for Arturo, Ponce, dated San Juan, July 29th. Who wrote that?
A. I did.
Q. At whose request?
A. Mr. Cerecedo.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. I show you telegram dated San Juan, July 29, 1913, and addressed to Hotel Frances, Ponce, and signed by Cerecedo. Who wrote that telegram?
A. I did.
Q. At whose direction?
A. Mr. Cerecedo.

264 The District Attorney then read the telegram just identified by the witness to the Jury.

Q. Now I show you telegram dated July 30, 1913, addressed to Emilio Cortada, and signed Manolo. Who wrote that?
A. I did.
Q. At whose direction?
A. Cerecedo.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. I show you telegram dated San Juan, July 31, 1913, and addressed to Emilio Cortada, Ponce. Who wrote that?
A. I did.
Q. At whose request?
A. Mr. Cerecedo.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. I show you another telegram. Did you write that?
A. No, sir.
Q. Who did? Do you know?
A. No, sir.

Q. I show you telegram dated August 9, 1913, addressed to Pedro Casanovas, for Octavio, and signed Manolo. Who wrote that?
A. I did.
Q. At whose direction?
A. Mr. Cerecedo.

The District Attorney then read the telegram just identified by the witness to the Jury.

Q. Do you know who wrote that? (Showing another tele-
265 gram to the witness).
A. No, sir.
Q. All of those telegrams which you have identified that were written by you were written at the direction and order of the defendant Manuel Cerecedo?
A. Yes, sir.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. Now, Mr. Colón, you said that on two occasions you took a package from Mr. Cerecedo to Mr. Perez. Did you see the contents of those packages?
A. No, sir.
Q. So that all you know is that Mr. Cerecedo handed you a package and you took it over to Mr. Perez, but you don't know what the package contained?
A. No, sir, I did not know what such packages contained.
Q. And on another occasion you took a package in the other direction, from Mr. Perez to Mr. Cerecedo. Did you know what that package contained?
A. I knew it because Mr. Perez informed me of its contents.
Q. Did you see the contents?
A. He counted them in my presence.
Q. What was it? Money, or what?
A. Tickets.

Mr. Travieso: That is all.

Redirect examination by Mr. Landers:

Q. Then you did know what these packages contained, Mr. Colón?
A. No, sir.
266 Q. When you saw Perez count them in your presence you knew they were tickets, didn't you?
A. When he laid open the package in my presence, yes.
Q. That is what I mean. After you delivered them, and they were opened you saw that they were lottery tickets?
A. Yes, sir.
Q. And he opened the package and returned some to Cerecedo, didn't he?
A. Yes, sir.
Q. And you saw those too, didn't you?

A. Yes, sir; I did.

Mr. Landers: That is all.

Witness withdraws.

267 PEDRO P. MEDINA being called as a witness in behalf of the government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Pedro P. Medina.
Q. Where do you live, Mr. Medina?
A. In Adjuntas, in the ward of Tanama.
Q. When did you arrive in town, in San Juan?
A. Right now.
Q. When, today or yesterday?
A. Last night on the evening train.
Q. How long had you been here before you were sent for by Mr. Cerecedo?
A. Last night?
Q. Yes.
A. I arrived on the six o'clock train.
Q. And when did Cerecedo send for you?
A. Shortly after I had arrived. About seven o'clock.
Q. And you were taken up to Mr. Cerecedo's house?
A. Yes. A boy pointed out his house to me.
Q. Who was up at Mr. Cerecedo's house when you were taken up there?
A. His employees and myself.
Q. Was Grillasca there?
A. No, Grillasca was not there at that time, he came in afterwards.

268 Q. Was Carlos Valle there?
A. I don't know the employees.
Q. This man down here. (Pointing to the defendant Carlos Valle).
A. I didn't see him around.
Q. Who asked you what you were going to testify to today, Mr. Medina?
A. There that came up in the conversation with them.
Q. Didn't they call you up there for that purpose, to find out what you were going to testify to here today?
A. Grillasca afterwards said that it was to inquire about his family in Utuado, and after the conversation started then I notified them that the Court had subpœnaed me in Adjuntas day before yesterday, and then I told them that I would testify what I had testified under oath before the Prosecuting Attorney in Adjuntas.
Q. So they didn't ask you when you first got up there what you were going to testify to?
A. No, they said nothing.

Q. Now you know Manuel Cerecedo?
A. Yes.
Q. And Andrés Grillasca?
A. Also.
Q. How long have you known them?
A. I have known them for about three or four years.
Q. Where did you say you lived, in what barrio?
A. In Adjuntas, in the ward of Tanama.
Q. Did Andrés Grillasca stop at your house during the month of August, 1913?

269 A. Yes, sir. He was coming down from Lares and stopped with me at my house one day.

Q. Yes, sir; and what took place?
A. Well, nothing. Grillasca was bringing along with him a package of tickets.
Q. What kind of tickets, for a show?
A. Lottery tickets of Santo Domingo.
Q. How many?
A. The amount which he delivered to me was forty-one.
Q. Why did he deliver them to you?
A. He said to me, "Pedro, I am bringing this package. I have got this package with me, and I don't want to go on any further with it. I have to go to Adjuntas, and I am afraid that upon my arrival there they may be found on my person, and I want you to do me the favor to keep them here for me until I send for them." After that six or eight days elapsed, and during those days I had to go to Lares on some business, called by the health officer to fix a house which I had there, and while I was absent during those days he sent two or three times for them, and as I was away from home and my family did not know where I kept them, when I returned I saw the letter which he had written to me asking me to send them to him. I sent them to him with a peon to the house of Marino Serrano, and I wrote him a note informing him that I was sending him the package of tickets so that he should turn them over to Grillasca or send them to Grillasca, because in his last letter he said to me that in case he should not happen to be there that I should send them to Mariano Serrano.

270 Q. Did he tell you that the reason he wanted you to take these tickets was because he was being prosecuted by the police?

A. He said that he was coming from Lares and that he did not want to proceed any further with those tickets because he was afraid that they would find them on his person upon his arrival at Adjuntas.
Q. Did he state to you who the owner of these tickets was?
A. Yes.
Q. Who?
A. Manuel Cerecedo.
Q. The defendant in this case?
A. Yes.

Mr. Landers: That is all.
Mr. Travieso: No questions.

Witness withdraws.

ARTURO LAHONGRAIS, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Arturo Lahongrais.
Q. Where do you live, Mr. Lahongrais?
A. In Ponce.
Q. What business are you engaged in in Ponce?
A. Merchant.
271 Q. How long have you been engaged in mercantile business over there?
A. Sixteen years.
Q. Are you acquainted with the defendant Manuel Cerecedo?
A. I am.
Q. Do you know Andrés Grillasca?
A. I don't know him.
Q. You don't know Andrés Grillasca?
A. No.
Q. Do you know Carlos Valle?
A. Neither.
Q. Do you know Juan Colón who just went out a few minutes ago, a young boy who worked for Cerecedo?
A. I met him in Ponce, Yes, sir.
Q. Did he ever borrow thirty-five dollars from you in Ponce?
A. I would like to make an explanation. I am accused before the District Court for conspiracy with Mr. Cerecedo and others, and I would not like to answer the questions now propounded to me for fear that my answers might incriminate me, and I respectfully beg the Court the privilege which the law grants me in that regard.

The Court:

Q. What is the proceeding which he is talking about?
A. Manuel Cerecedo et al. for conspiracy, in the District Court.
Q. In the District Court where?
A. In the District Court of San Juan, and I am also in Ponce under bond for five hundred dollars also for the crime of conspiracy.
Q. Conspiracy to do what?
272 A. That is the title, "Conspiracy". That is the title of the case in Ponce. The title of the case in San Juan is conspiracy with Mr. Cerecedo and others.

The Court: I would be glad to have some light upon this.
Mr. Landers: I will state what I intend to prove by these thirty-five dollars. Here is an account in Exhibit CC for the Government which has been identified as being in Manuel Cerecedo's handwrit-

ing. Here is an item "Delivered to Colón $35.00." Now Colón testified that he did get thirty-five dollars from the witness, showing the connection between the account in Cerecedo's store in San Juan and the fact that he did deliver it, and I will follow that by other accounts of this same witness. I suppose it will incriminate him if carried on.

The Court: Your question is asking him whether he paid thirty-five dollars to Colon?

The last question was then read by the stenographer at the request of the Court.

The Court: What you wish to show is that it was not a loan but a payment?

Mr. Landers: No, it doesn't make any difference whether it was a payment, or a loan, but the concrete fact that he did turn over thirty-five dollars to Colón in Ponce.

273 Mr. Travieso: If Your Honor please, my information about this gentleman is that he is accused, or a complaint has been filed against him and Mr. Cerecedo and others, before the District Court of San Juan for an alleged crime of conspiracy to engage in the sale of lottery tickets in Porto Rico. Mr. Lahongrais is represented by Mr. Tous Soto of Ponce, who is associated with me in the case because I represent Mr. Cerecedo also in that case. Mr. Tous Soto has written me as associate counsel in the case, telling me that any questions with reference to any transactions in this case would incriminate him, and requesting me to protect him if any question was made tending to incriminate him. Now I believe that the question asked by the District Attorney, if propounded to the witness, will tend to connect him with the case, if there is such a conspiracy, and will tend to incriminate him, and I believe he is entitled to the protection of the law and should not be required to make an answer to that question.

The Court: It seems to the Court that this question would be a link in the evidence that may or may not be produced against the witness, and that he is entitled to urge his constitutional ob-

274 jection to the question, and the question therefore need not be answered.

Q. Did you have an account with Manuel Cerecedo for the purchase of lottery tickets?

A. No, sir.

Q. I show you the Government's Exhibit CC, an account under the name of Arturo Lahongrais on that page and that page and that page (pointing to different entries in the book). State whether or not you had any account with Manuel Cerecedo of that character.

Mr. Travieso: I am going to object to the question, and object to the testifying of this witness to anything that the District Attorney will ask him. I am speaking now, not on behalf of Mr. Cerecedo, but on behalf of a brother attorney, and I invoke his constitutional right not to answer.

Mr. Landers: I never knew of an attorney claiming the exemption for the witness. I always thought it was only the province of the

witness himself to claim that exemption. If he does not claim it, it is not for the attorney to claim it for him. That is the rule of law.

Mr. Travieso: I think that a man who is under criminal charges is entitled to the advice of counsel at every stage of the proceedings, and it is my duty, on behalf of his attorney whom I repre-
275 sent here, to advise him not to answer the question one way or the other. If this man is entitled to the aid of counsel it is my duty to advise him not to answer the question.

The Court: Do I understand from your statement of it, Mr. Travieso, that you represent this witness?

Mr. Travieso: Mr. Tous Soto is his attorney. I had never seen this man until this morning.

The Court: If you tell me that you represent him, I do not care how you got to represent him.

Mr. Travieso: I represent him, yes. I make that statement because I have been requested by his counsel to represent him and protect him.

The Court: The exemption from answering questions which tend to incriminate him is a personal privilege and must be claimed by the witness and not by the counsel, even counsel who represent the witness. But an alleged criminal is entitled at all times, whether he be a witness or whether he be on trial, to the advice of counsel, and the Court will rule that while the privilege has so far as the Court is concerned to be claimed by the witness, his counsel is entitled to advise him whether or not to make the claim. It may be going somewhat in a circle, but it seems to me that both principles
276 are correct. Otherwise he might inadvertently incriminate himself, and the Court cannot act until the witness himself claims the privilege.

Mr. Travieso: May I confer with the witness now?

The Court: The Court will permit Mr. Travieso, as he says he represents the witness, to tell him now that he must claim his privilege, and tell him how far the privilege goes, and I hope that will be sufficient. It would not be a collateral issue, exactly, but it would complicate this case if, after each question, there was to be a consultation between counsel and the witness.

Mr. Travieso: I think it would be more proper, or more legal, to have a recess of two minutes so that I may advise him of his legal rights.

The Court: The Court will permit that. It seems to me to be proper. If it is an error it is an error in favor of the alleged criminal, and the Court would rather err on that side than on the other.

The following question was then repeated to the witness: Did he ever borrow thirty-five dollars from you in Ponce?

A. I refuse to answer that question, invoking the privilege which the law grants me in that regard.

The Court: Ask the witness not to put it exactly in that form, of saying that he refuses, but that he invokes the privilege of not answering.

277 A. I invoke the privilege which the law grants me not to answer anything that might incriminate me.

Mr. Landers:

Q. Did you ever go under the name of Octavio in Ponce?
A. No, sir; never.
Q. Was there ever a code in existence between you and Manuel Cerecedo by which you were known as Octavio?
A. No, sir.
Q. Please examine Government's Exhibit KKK and state whether or not you have ever seen that before (handing the Exhibit in question to the witness).
A. I claim the same privilege.

The Court: The privilege is allowed.

Q. Did you ever have any business transactions with this defendant in reference to the sale of lottery tickets in Porto Rico?
A. No, sir.
Q. Did you ever buy any from him?
A. No, sir.
Q. Is it not a fact that you were selling three thousand tickets a month for Manuel Cerecedo?
A. I claim the same privilege.

The Court: The privilege is allowed.

Q. Do you know M. Ambrosiani?
A. No, sir.
Q. You don't know him?
A. No, sir.
Q. Did you ever purchase, or make arrangements for the purchase of an automobile for Jacinto Y. Mañon, with the
278 house of Pietrantoni y Sojo?
A. I claim the same privilege.

The Court: The privilege is allowed.
Mr. Landers: That is all.
Mr. Travieso: No questions.

Witness withdraws.

JUAN DIAZ, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Juan Diaz.
Q. Where do you live?
A. Ponce.
Q. What is your business?
A. Merchant.
Q. Who do you work for?

A. With Arturo Lahongrais.
Q. The man who just left here?
A. Yes, sir.
Q. How long have you worked for him?
A. Ten years at least.
Q. Did you ever know him under the name of Octavio?
A. Never.
Q. Did you ever receive a telegram for him under that name?
A. Never.
Q. Did you ever receive any lottery tickets for Lahongrais?

Interpreter: The witness states to the Court that he is involved in the same proceedings with Mr. Cerecedo and Mr. Lahon-
279 grais, and therefore he requests the privilege which the law grants him not to testify in these proceedings, for fear that any one of his answers might incriminate him.

The Court: Please tell the witness that the Court will certainly respect that privilege, but that he will have to judge as to each question asked; that he cannot simply sit there and decline to answer, that he must judge as to each question, and the Court will, in any fair case, sustain his claim. The privilege is sustained as to this question. The Court will have to err on the safe side because it does not know all the circumstances and cannot tell at this time.

Q. I show you Exhibit TTT for the Government, and especially telegram dated Ponce, August 13th, and addressed to Manuel Cerecedo, San Juan, and signed Diaz (handing the telegram in question to the witness). Who wrote that telegram and sent it?
A. I do not desire to testify in that regard.

The Court: The privilege is granted.

Q. Do you intend to claim the privilege on all questions asked you with reference to the lottery and questions with reference to telegrams?
A. I invoke the privilege which the law grants me in that regard.

Mr. Landers: That is all.
Mr. Travieso: No Cross-examination.

Witness retires.

280 MANUEL VELAS, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Manuel Velas.
Q. What is your business?
A. Merchant.
Q. Where do you reside?
A. In Arecibo.

Q. Were you employed by Manuel Cerecedo last summer?
A. I was.
Q. How long were you employed there?
A. About six months, I think.
Q. Are you familiar with the handwriting of Manuel Cerecedo?
A. I think so.
Q. Well, you have seen him write, haven't you?
A. A few times.
Q. Down in the store you have seen him writing?
A. I have seen him write; above all, signing.
Q. I show you a book (handing the witness Exhibit CC for the Government). State whether or not you have ever seen that book before.
A. I think I saw that book at the time that St. Elmo was executing a search warrant and took it from the desk.
Q. Did you ever see it before that?
A. I think so, that I saw it once on the desk of Mr. Cerecedo.
Q. The defendant here?
A. Yes.

281 Q. Now examine the handwriting in there and state from your knowledge of the handwriting of Cerecedo whether or not that is his handwriting.
A. I think so.
Q. Did you ever see any of these books? (Showing other exhibits to the witness).
A. I don't think so.

Mr. Landers: That is all.
Mr. Travieso: No cross-examination.

Witness withdraws.

282 MARIANO VILLANUA, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Mariano Villanua.
Q. What is your business?
A. None at the present time.
Q. Do you know the defendant Manuel Cerecedo?
A. Yes, sir.
Q. How long have you known him?
A. For about twelve years.
Q. State whether or not you purchased from him on the third day of August, for the drawing of August 13th, one hundred tickets.

Interpreter: The witness says that he is involved in certain proceedings before the court for conspiracy together with Mr. Cerecedo, and on that account he invokes the privilege which the law grants

him not to answer any question which might incriminate him in those proceedings.

Mr. Landers: There is no law in Porto Rico which makes it a felony to purchase lottery tickets, so I don't see how an answer to that question could incriminate him.

Mr. Travieso: I don't represent this gentleman, and have
283 nothing to do with his case, absolutely, but as a friend of the Court it seems to me that the fact that a man buys one hundred tickets would tend to incriminate him, because if a man buys one hundred tickets the assumption is that he buys them to sell.

The Court: So far as the United States Court is concerned, this is a privilege under Amendment V. No one can be compelled to be a witness against himself in a criminal case, and that of course is construed very properly to include what he may say in another case, because that may be used against him there. There must be some line somewhere. The witness cannot be the absolute judge. There must often be facts which a witness will know which will arise in one case which really do not affect him at all in another, and the Court cannot permit the witness to be the complete judge of that. Otherwise it might readily be that courts could be embarrassed very much. Have you no authorities one way or the other, gentlemen?

Mr. Landers: I have not anticipated anything of this kind because I knew it was no crime to purchase tickets.

284 Mr. Travieso: The nature of the charge filed against these defendants is such that it has to be proven, as admitted by anybody who knows anything about a conspiracy, by circumstantial evidence. Now this man is asked, "Did you buy tickets from Cerecedo?" And that is a link in the chain to prove that he and Cerecedo had relations with each other, and every little circumstance will tend to connect him with the commission of the crime. Now the question that is proper and that will be asked in the prosecution in the District Court is, "Did you know Cerecedo?" and the nature of the offense is such that you might say that the witness would be entitled to invoke his privilege in every little question, no matter how immaterial it may seem, because thereby he would be admitting some circumstance that will connect him with the other defendants.

Mr. Landers: Now, if Your Honor please, how do you know that this is a valid charge against this witness? The charge may have been fictitious to allow him to refuse to testify here. There are a thousand different kinds of conspiracy. Is it a conspiracy to sell lottery tickets, or what is it? That is what I want to know. He says: "On the ground that it will incriminate me." Under the laws of Porto Rico the mere purchase of lottery tickets will
285 not incriminate anybody. The possession of lottery tickets is not made a penal offense.

The Court: I do not think the question is as to what is charged against a man or what proceedings have been instituted. That might happen or it might not happen. A man might not be indicted for anything and yet be guilty, and I think his privilege

would apply even if he were not indicted, so I do not think it makes much difference whether there is a proceeding instituted or whether it is not instituted. The question is whether he has done something for which he could be put on trial; not whether he is guilty or innocent, and it is very difficult for the Court to determine. It would not like to ask a man what he has done.

Mr. Landers: As it is now the adjournment hour, I ask that I be given until tomorrow morning to submit some authorities to Your Honor on the question.

At this time the Court was adjourned until 10 A. M., March 24, 1914.

286 March 24, 1914.

Mr. Landers: I withdraw my application made at the close of the case on Saturday, I having looked up the authorities and come to the conclusion that the position taken by the counsel for the defendants is correct.

287 CARLOS GALLART, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney (interpreted):

Q. What is your name?
A. Carlos Gallart.
Q. What is your business?
A. Industrial.
Q. Where do you live?
A. In Guayama.
Q. How long have you lived in Guayama?
A. I have been for over two years there.
Q. Do you know the defendant Manuel Cerecedo?
A. I know him.
Q. Are you acquainted with one Jacinto Y Mañon in Santo Domingo?
A. I know him.
Q. State whether or not you were in Santo Domingo during the month of June of last year.
A. I was there.
Q. Did you see Dr. Mañon at that time?
A. I did see him.
Q. Did you have any conversation with Dr. Mañon relative to lottery business in Porto Rico?
A. I met him there, or saw him there on an occasion when he was talking about that business.

Mr. Travieso: Before he testifies about this conversation I think we are entitled to know what date it took place, to see whether
288 it was before or after the alleged conspiracy.

The Court: Can you specify the time and place?

Q. What date were you in Santo Domingo?

A. I don't know the exact date, but I think it was in the month of June; I think it was in June.

Q. Now it was in the month of June that you were there?

A. I don't remember exactly whether or not it was in June, I think it was in June, although I cannot say positively.

Q. It was either the month of June or July, wasn't it?

A. Not in July; in June it was.

Q. The conspiracy was on the 16th day of May, 1913, according to the contract.

A. I think it was in June. I cannot say exactly.

Q. State whether or not you had a conversation with Dr. Mañon?

A. With reference to what?

Q. The purchase of lottery tickets.

A. I happened to be there at the time when they — holding a conversation.

Q. Who?

A. I cannot say that now, because they were Dominicans who were dealing on the subject.

Q. Didn't you ask Dr. Mañon if you could buy any tickets in Santo Domingo for Porto Rico?

A. No, sir.

Q. Didn't you ask Dr. Mañon if you could purchase any tickets over there to bring to Porto Rico?

A. No, sir. The conversation referred to the scarcity of the tickets there, but I was not in the market for tickets there.

289 Q. Didn't you just have a conversation with me down in the office, not over ten minutes ago?

A. Yes. But he did not say to me that I could buy tickets there. Probably I did not understand right.

Q. Did Mañon give you any letter to Manuel Cerecedo?

A. He did.

Q. Why did he give you that letter to Cerecedo?

A. With the purpose if I wanted to enter into that negotiation relative to that business down here.

Q. What business?

A. The lottery ticket business.

Q. Then you had discussed the lottery ticket business with Mañon, hadn't you?

A. No, sir. We did not speak about it. He said to me, "In case you want to get some tickets down there I may give you a recommendation."

Q. Then you did talk to Mañon about it a little?

A. We talked about the business.

Q. That is what I am trying to find out. Now did he give you a letter to Manuel Cerecedo?

A. He did. Not a letter, a card.

Q. Didn't Mañon tell you over there that he could not sell you any tickets?

Mr. Travieso: The District Attorney might just as well tell it to the Jury. He is leading the witness from beginning to end.

The Court: It looks as if a leading question is necessary.

Mr. Landers: I ask the privilege of the Court to ask leading questions of this witness.

290 The Court: It is granted. Do not lead any more than you can help.

Q. State whether or not in this discussion that you had with Mañon he stated to you that no tickets could be sold in Santo Domingo for Porto Rico, and that you would have to get the tickets of Manuel Cerecedo in San Juan, who had the exclusive contract.
A. Yes, sir.
Q. And for that purpose he gave you this card?
A. Yes, sir.
Q. Which you gave to Manuel Cerecedo upon your arrival here in Porto Rico?
A. I did.
Q. Now did you bring anything from Santo Domingo, or from Mañon to Manuel Cerecedo?
A. Some packages of sweets.
Q. And who gave you those packages?
A. Mr. Cerecedo.
Q. Who gave you those packages?
A. Mr. Mañon.
Q. With what directions?
A. Simply to deliver them to him.
Q. To Manuel Cerecedo?
A. To Manuel Cerecedo.
Q. And you delivered them?
A. Yes, I did.
Q. Together with your letter of recommendation?
A. It was not a letter; it was a card.

291 Q. State whether or not now at the time you delivered this card you had any conversation with Mr. Manuel Cerecedo relative to the purchase of lottery tickets.
A. I did.
Q. And did you make any arrangements with him for the purchase of tickets at that time?
A. Yes, sir.
Q. Now what tickets did you purchase from Mr. Cerecedo?
A. The first time I purchased two hundred.
Q. That was for the drawing of July 13th?
A. Yes, July 13th.
Q. Now, any more tickets?
A. Yes. Six hundred afterwards.
Q. Well, for what drawing?
A. The following drawing. I don't remember.
Q. Any more tickets?
A. Yes.
Q. How many?
A. I think I purchased five hundred.
Q. Any more?
A. After that another five hundred.
Q. Any more?

A. And afterwards those of the 21st of September and of the 12th of October which were returned.

Q. But they had been sent to you?

A. Yes, sir.

Q. Then there is a package of two hundred, then six hundred, and then three packages of five hundred tickets?

A. Exactly.

Q. That is, twenty-three hundred tickets?

292 A. Yes, sir.

Q. Now hoe much money, if any, did you return to Cerecedo for the purchase of these tickets?

A. I cannot remember that detail.

Q. State whether or not you returned any prize tickets in payment of these purchases.

A. Yes, I also returned prize tickets.

Q. State whether or not you returned one hundred and eighty-seven prize tickets, One hundred and twenty-eight, eight hundred, ten and fifteen.

A. I don't remember the quantities.

Q. But approximately about that?

A. I suppose so.

Q. Please examine this account and state whether or not that represents your account for the purchase of lottery tickets (showing the witness Exhibit CC for the Government and pointing to the account of Carlos Gallart).

A. No, because I think that there is an amount that has not been credited here on account of the return of some tickets.

Q. But if that credit had been given to you, this would be a correct statement?

A. Yes, sir.

Q. You did receive these tickets as indicated here?

A. Yes.

Q. Two hundred, six hundred, five hundred, five hundred and five hundred?

A. Yes.

A Juror: What balance does it show?

293 Mr. Landers: It shows a balance of three thousand four hundred and fifty dollars.

A Juror: That he is indebted?

Mr. Landers: Yes, I guess that is what it is. Yes, there are values here of a lot of prize tickets, and I think it is three thousand four hundred and fifty dollars.

Q. Please examine that (handing a paper to the witness), what is that?

A. That is my handwriting.

Q. Did you write that?

A. Yes, sir.

Q. To whom?

A. To Mr. Manuel Cerecedo.

Q. I see it is addressed to Marcial.

A. He wrote my name on the back.
Q. How do you know he wrote that name on the back?
A. Because St. Elmo told me so the night that he called me.
Q. But you don't know it of your own knowledge?
A. No.

Mr. Landers: That is not competent.
The Court: That will be struck out.

Q. Why did you address him as Marcial?
A. Well, because as we were dealing with that business, in case that the letter should be lost, that no trouble should arise.
Q. Did he tell you to address him as Marcial?
A. Yes.
Q. And how is it that you signed your name as R. Garido?
A. Well, he also said to me to sign with that name.

294 Mr. Landers: I offer this in evidence, if Your Honor please.
The Court: Any objection?
Mr. Travieso: Are you offering only the letter, or with the indorsement?
Mr. Landers: No, I offer the indorsement too.
Mr. Travieso: I object to the admission of the indorsement until it is identified.
Mr. Landers: All right; I withdraw the offer, and will prove that later.

Q. What is that (handing another paper to the witness)?
A. That is a letter.
Q. Who wrote it?
A. I did.
Q. Who did you write it to?
A. To Manuel Cerecedo. I sent that letter by hand, by messenger.
Q. Examine that document (handing another paper to the witness).
A. Yes, sir.
Q. What is it?
A. That is an account which he rendered me later.
Q. Who rendered you?
A. Don Manuel Cerecedo.
Q. For what?
A. On account of lottery tickets.
Q. Now you got that from Manuel Cerecedo?
A. I did.

295 Q. Have you ever had any conversation since the receipt of that with Manuel Cerecedo relative to the matters therein contained?
A. No, sir, never.
Q. Didn't you talk to Manuel Cerecedo about that account?
A. No, sir; not yet.

Q. Didn't you tell me this morning down stairs that you had talked to Manuel Cerecedo about the account?

A. That I was going to fix that account with him, but we have not yet settled it.

Q. But you received that from him?

A. Yes, sir.

Q. Did it have this writing on it? (Indicating).

A. Yes, sir.

Mr. Landers: I offer it in evidence.

A Juror: How did he receive that?

Q. How did you receive that?

A. From his own hands.

Q. Whose?

A. Of Don Manuel.

Q. Cerecedo?

A. Yes.

Q. In San Juan?

A. No, sir; in Guayama.

Mr. Travieso: I object to the admission of this paper on the ground that it is immaterial and does not show anything in connection with this case, and it is not signed by the defendant.

296 The Court: The objection is overruled and the paper is admitted.

Mr. Travieso: Note my exception.

The document in question was then placed in evidence and marked Exhibit GGGG for the Government, and read to the Jury by the District Attorney.

Q. Then during the months of July, August and September you purchased Santo Domingo lottery tickets from the defendant Manuel Cerecedo?

A. Yes, sir.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. What did you buy all of those tickets for?

A. To sell them.

Q. So you were also engaged in the sale of lottery tickets, were you?

A. Yes, sir.

Mr. Landers: Using the same argument that the defendant did I think that Your Honor might instruct the witness that he may not answer any question that would tend to incriminate him.

Mr. Travieso: I make the same answer which the District Attorney made, that is the privilege of the witness and not of the District Attorney. The witness has to offer some explanation why he bought so many tickets, either to give them to his friends,

297 as the other witness did, or to sell them.

Mr. Landers: I withdraw the objection.

A. Yes, sir; and I used some or played some.
Q. Have you been prosecuted for selling lottery tickets?
A. No, sir.
Q. Has any one promised you that you would not be prosecuted if you testified in this case?
A. No, sir.
Q. Now you testified with reference to a conversation between you and Dr. Mañon?
A. Yes.
Q. Why is it that when you started you had forgotten all about that conversation?
A. I had not forgotten it; the question was that I thought that the District Attorney was asking me whether I had gone over to Santo Domingo to purchase lottery tickets, but I have never purchased tickets there.
Q. Then when you were told the particulars of the conversation you remembered it?
A. Yes, sir.
Q. Now in reference to the indorsement on that letter that you identified, you said that Mr. St. Elmo had told you that the indorsement was made by Mr. Cerecedo?

Mr. Landers: I ask that that be stricken out. It was absolutely immaterial, and it is not proper cross-examination. If he will admit that that is material, and he will stand by it, I will agree that he may cross-examine on it.

298 Mr. Travieso: I want to test the veracity of this witness, and find out how many other things Mr. St. Elmo told him.

Mr. Landers: I admitted at the time that it was hearsay and absolutely immaterial.

The Court: That question is not in the record. Do not cross-examine on the idea that that is in the record.

Q. Now, in reference to that letter which you identified, you say that the letter was written by you?
A. Yes, sir.
Q. Was the indorsement also made by you?
A. No; that is not in my handwriting.
Q. Who wrote that?
A. That was presented to me over there by Mr. St. Elmo as coming out from the house of Cerecedo, and it was for that reason that I was unable to deny that letter.

Mr. Travieso: That is all.

A Juror:

Q. I would like to ask the witness whether he is testifying of his own free will.
A. Yes, sir.

Mr. Landers:

Q. Has any one ever threatened you to force you to testify in this case?

A. No, sir.
Q. Has any one ever offered you any promise of reward or money?
A. Nothing.
Q. Did any one promise immunity from prosecution?
A. No, sir.

Mr. Travieso: May I cross-examine him as to those new questions?

299 The Court: Yes, sir.

Mr. Travieso:

Q. Is it not a fact that you were taken one night by Mr. St. Elmo to the Police Station?
A. Yes, sir.

Mr. Landers:

Q. Were you threatened while you were at the Police Station?
A. By nobody.
Q. And you were just asked as to the truth of certain matters, weren't you?
A. Yes, sir.
Q. And that is all that you testified to?
A. Yes, sir.
Q. Did any one ask you to come here and testify to anything that was not the truth?
A. No, sir.

Mr. Landers: That is all.

Witness retires.

300 MANUEL GARCIA, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by the district attorney (interpreted):

Q. What is your name?
A. Manuel Garcia.
Q. What is your business?
A. Messenger from the Auditor's Office.
Q. Do you know Manuel Cerecedo?
A. Yes, sir, I know him.
Q. How long have you known him?
A. I have known him for about four or six years.
Q. Have you ever had any business transactions with Cerecedo relative to lottery tickets?
A. Yes, sir.
Q. Just go on and state what business you had with Manuel Cerecedo relative to lottery tickets.
A. For three drawings.
Q. When did your business start with Manuel Cerecedo?
A. For the seventh, the twelfth, and the twenty-first.

Q. Now on the drawing of August the third you received some tickets, didn't you, from Manuel Cerecedo?

A. I am not quite sure whether it was for the third or the seventh.

Q. That was in August?

A. Yes.

Q. Now in September you received some tickets?

A. Yes.

Q. How many did you receive?

A. I first received twenty-five, I think, and after that I received another lot of twenty-five; I am not quite sure as to the amount received.

Q. Did you receive sixty-seven then at another time?

301 A. Yes.

Q. Did you receive three at another time?

A. Yes.

Q. That is 180 tickets, then.

A. Yes.

Q. Now did you make any payments on those tickets?

A. Yes, I made some payments.

Q. How much did Cerecedo charge you for the tickets?

A. $2.25 and $2.30.

Q. And you bought tickets to the extent of $410.65 for those 180 tickets?

A. I paid some and others were not paid; I don't know what I am still owing.

Q. Now after you bought this 180 you afterwards bought a package of 100, didn't you, from Cerecedo?

A. Yes.

Q. At $2.25?

A. Yes.

Q. Examine that account and state whether or not that is approximately correct as to your purchases and the amounts paid (showing the witness exhibit "AA" for the Government). Now, is that correct?

A. It is all right.

Q. That represents your purchases from and payments to Manuel Cerecedo for lottery tickets?

A. Yes.

Q. Manuel Cerecedo, the defendant in this case?

A. Yes.

Q. I show you a document; have you ever seen that before (handing a document to the witness)?

A. Yes, I have seen it.

302 Q. Where?

A. When it was sent to me for the first time.

Q. Who sent it to you?

A. In the upper court.

Q. Did Manuel Cerecedo ever send a paper like that to you?

Mr. Travieso: The witness has been led from the beginning until

now. I did not object to leading him as to the account, but I do object to this.

The question is changed.

Q. Did you ever receive a paper similar to that one, or did you receive that paper?

A. Yes, when I was in the department.

Q. Did he receive that one; that is what I am trying to find out.

A. Yes.

Q. What does he mean by yes?—that he received that paper, or received one similar to that?

A. One similar to this.

Q. An original? What did it say?

Mr. Travieso: If a man says that he received a paper similar to that, the one that he received is the one material to the case.

Mr. Landers: All right.

Q. Where is the original?

A. I think I kept it; I am not sure whether it is lost; I would not like to make a wrong statement; but I think it is absolutely alike or the same as this one.

Q. And you say the other one is lost?

A. I think I have lost it.

Q. Now do you remember the contents of the paper which you received from Manuel Cerecedo?

Mr. Traveiso: I am going to object to the question, in the
303 first place, because he has not testified that he has received any paper from Manuel Cerecedo, and he should not testify as to the contents of any paper which he says he thinks is lost, but does not testify positively that the paper is lost.

Mr. Landers: All right, I withdraw the question, but will qualify him.

The Court: The question is withdrawn.

Q. Did you receive a paper similar to that?

A. Yes, sir.

Q. Whom was it from?

A. It was sent to the department where I work.

Q. Who from?

A. When it was delivered I was out in the street; I do not know who brought it there.

Q. Did he get it from New York City or Boston?

A. No, it was from here.

Q. Who sent it from here?

A. From Mr. Cerecedo's house.

Q. Now where is that paper?

A. I have already stated that I am not sure whether it is still in my possession or not.

Q. Have you ever looked for it?

A. No, I have not made a search for it.

Q. What were the contents of that paper?

A. I have already stated that I think it was exactly the same as this one.

Q. That is not what I asked him.
A. I am going to try to see if I can get it.
Q. What was that paper in reference to, that you received from Manuel Cerecedo?
304 A. To the account of the tickets.
Q. Was it a letter or was it a memorandum, or what was it—was it a bill?
A. A bill, just the same as that.
Q. For what?
A. The payments, and the amounts paid, and the balance due.
Q. For what?
A. It appears that the time had come to render an account, and it was on that account that he rendered that bill to me.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. Now, Mr. García, do you remember having testified in the District Court of San Juan with reference to this transaction between you and Mr. Cerecedo?
A. Yes, I testified in the court.
Q. Do you remember having testified, in answer to the questions made to you by the Fiscal whether you had received an account, a statement of account, from Mr. Cerecedo, that you stated that you did not remember? I will read you the question and your answer. The question was: Did you ever receive an account from him, from Mr. Cereecdo? and your answer was: I do not remember.
A. I am not sure whether that question was propounded to me.
Q. You are not sure of that; you do not remember that, either?
A. No.
Q. Do you remember, when the Fiscal asked you, on any occasion,—Did you ever receive a paper similar to the one at page 36—that you replied: I do not remember having received it?
A. Well, I don't remember; the only paper that I have received is this paper which has been now presented to me.
Q. What about your testimony in the District Court? Don't you remember that either?
305 A. I don't remember quite well.
Q. You don't remember anything that you testified there?

Mr. Landers: That is not proper cross-examination. If he is trying to impeach him, let him do it in the proper way.
Mr. Travieso: I am laying the foundation.
Mr. Landers: That is not the proper way; you must point out the specific testimony.
The Court: The objection is overruled.

Q. Do you remember anything that you testified in the District Court?
A. I remember having testified before the District Court that it was true that I was engaged in selling tickets received from Mr. Cerecedo.

Q. But you don't remember what you testified in reference to this document, do you?

A. I am not sure as to that paper; I see now that paper, and now I remember that while I was working in the department they delivered that account to me.

Q. Why didn't you say so in the District Court?

A. I have already stated that I was not sure whether it was presented to me or not.

Q. Then at that time you did not remember having received this paper, and now you do remember?

A. Yes.

Q. Who refreshed your memory?

A. Upon seeing it here now at this time.

Q. Didn't you see it in the District Court?

A. I am not sure whether I saw it there.

Mr. Travieso: That is all.

Mr. Landers: That is all.

Witness withdraws.

306 J. A. GERALDINO, being recalled as a witness at the request of one of the jurors, testified as follows (interpreted):

The Juror:

Q. I would like to ask him how long he has been in Porto Rico?

The Witness:

A. I arrived here on the 26th of last month.

Q. Mr. Mañon stated that he sent for him by cable?

A. Yes, sir, but there is a circumstance with Dr. Mañon. I received a cable from him on which account I came down, and he delivered to me a cable in which he was authorized by the Fiscal, or in which the Fiscal gave him authority for me to come here, or the Fiscal authorized him to call me here.

Q. To this court?

A. To come here; I don't know what for. I have the cable with me.

Mr. Landers: That is not necessary.

Q. Then Mr. Mañon cabled him to come here?

A. Yes, sir.

Q. He was held here after he came?

A. No.

Q. He didn't want to go back?

A. No, I didn't want to go back, because I had to be here.

The juror: That is all.

Mr. Landers:

Q. Mr. Geraldino, I sent for you as Fiscal, didn't I?

The Witness:

A. Yes, sir.
Q. To testify in this case?
A. Yes, sir.
Q. And I told you that there was no charge against you whatever in Porto Rico?
A. Yes, sir.
Q. That you had committed no offense whatever against the laws of the United States?
A. Yes, sir.
307 Q. That you were neither an accessory nor principal, and that the grand jury had brought no true bill against you?
A. Yes, sir.
Q. But I asked you to come here and testify in this case?
A. Yes, sir.
Q. And upon those representations you came?
A. Yes, sir.
Q. And you are here today as a witness at my request?
A. Yes, sir.

Cross-examination by Mr. Travieso.

Q. Now, prior to the receipt of that cable that you have in your pocket from the District Attorney, you had refused to come to Porto Rico, had you not?

Mr. Landers: Are we going into a collateral issue here? Your Honor has already held that this man is not an accomplice; now he is trying to go into the same thing again.

The Court: What is the relevancy of that?

Mr. Travieso: Why did the District Attorney go into that? He asked him questions as to his being here. To show that until he was sure that he would not be prosecuted he was afraid to come to Porto Rico.

Mr. Landers: I don't think that is a proper question.

The Court: Suppose that is true; what would be the relevancy to this issue?

Mr. Travieso: It shows the state of mind of this witness; that until he was sure that he would not be prosecuted he would not come, and then he came at the invitation of the District Attorney to testify in the case.

308 The Court: You may ask the question.

Q. (The last question was translated to the witness by the interpreter.)
A. Yes, sir.
Q. You had been requested before to come and testify, had you not?
A. Yes, sir.
Q. Who invited you before the District Attorney sent you that cable?
A. The Fiscal himself had sent a cable to St. Elmo while St. Elmo was over there for me to come down.

Q. So it was Mr. St. Elmo who requested you there to come down here?

A. No, he said that to me, but I did not refuse. Then after that the Fiscal sent the other cable and then I came.

A Juror:

Q. Then Dr. Mañon sent him a cable too?

The Witness: Yes.

Q. How long have you known Mr. St. Elmo?

A. Now, when he went to Santo Domingo.

Q. Hadn't known him a year or two back?

A. I have heard of him, but he was very far from where I was; he was on the border line.

Q. Never had any negotiation with him with reference to the lottery?

A. No, sir.

Mr. Landers:

Q. Now Mr. Geraldino, you were here in November of last year, weren't you?

The Witness:

A. Yes, sir.

Q. And you were informed by Mr. Cerecedo that I was trying to prosecute you and you had better get out of the island, weren't you?

Mr. Travieso: If the Fiscal wants to establish new facts by the same witness, that is a different proposition. This witness
309 was recalled at the request of a juror, and we are going into a different question.

The Court: The objection is overruled. The whole matter is irregular and I want to get through as soon as I can, but I do not want to have anything appear hidden at all.

A. No; at the hotel where I was stopping I learned there that they were after me—were trying to get me.

Q. And you were advised that you had better leave the island because you were going to be indicted?

A. No, he didn't say that.

Q. I didn't say Cerecedo; I say you were advised.

A. Yes, sir.

Q. And upon that advice you left the island?

A. Yes, sir.

Q. And went back to Santo Domingo?

A. Yes, sir.

Q. And that was why you were afraid to come back here and testify in this case when I first made the application, because some one had told you that I was trying to indict you here before the grand jury?

A. Yes, sir.

Mr. Landers: That is all.

Mr. Travieso: That is all.

Witness withdraws.

310 WALTER M. ST. ELMO, being recalled as a witness at the request of a juror, testified as follows:

The Juror:

Q. Mr. St. Elmo, it appears that a lot of original telegrams out of the Insular Telegraph office are here. I would like to ask you, in the absence of the subpœna, whether those telegrams were delivered over to you?

A. They were not delivered into my possession, no.

Q. Do you know into whose possession they were delivered?

A. To the Fiscal of the District Court of San Juan, who made a request on the Commissioner of the Interior for the production of those telegrams.

Q. On evidence furnished by you?

A. He wanted to use them in a trial that was to take place in the District Court, and he thought it necessary to have the telegrams. His request was worded this way: Send me all telegrams received and sent by Cerecedo during the months of July, August, and September, and those signed Manolo, Manuel, and another name—Mono, or Nomo—some nickname.

Q. Mr. St. Elmo, that is a search, isn't it, to get those telegrams in that way?

A. No, the Fiscal has a right, under the Insular law, to ask for the production of the telegrams in that way.

Q. I don't think he has.

A. He followed the legal way; he follows the legal way by making request on the Commissioner of the Interior for the production of those telegrams.

The Juror: I know what the law is and what the rule is, and also there was a rule passed by the Attorney General with reference to the delivery of telegrams; but the law is very explicit about it, and that is one reason why I bring it up, because I was at one
311 time Superintendent of the Insular Telegraph and it was one of the hardest contentions I had to follow the law and not let these telegrams out of the office, as they might get out of the office, and here are original telegrams that are exhibits here that should be, it seems to me, in the archives of the telegraph office, and I don't see how any one could get those out of the office. It is just the same as the mail——

The Court: That is a discussion of law; any question of fact you want to ask Mr. St. Elmo you may ask him.

Q. I would like to ask Mr. St. Elmo why those lottery tickets were destroyed; was there any court order for the destruction of tickets?

A. That was destroyed?

Q. Mutilated.

A. No.

Q. Suppose the court should order you to return those tickets; how could you return them in the original condition?

A. I would return what is left of them, if I got such an order.

Q. But there is no law by which you can destroy personal pro
erty.

A. I understand that they were contraband, and in order not
be charged later on with having cashed them myself I thought
would mutilate them myself.

Q. I have a set of postal cards; some of them might be co
sidered obscene; but I would not like any one to take those post
cards and mutilate them.

A. There were two kept of each lot for identification purpos
intact, that were submitted here.

The Juror: Your Honor, with reference to those telegra
312 my point is this: there can be lottery tickets put in the m
and a detective or an inspector might know that a le
contains lottery tickets; there is no possible way by which an
spector can touch that material.

The Court: Mr. Juror, it is very irregular indeed to discu
matter of law in this way. At the right time if the jury wish
structions on any point of lawI will be glad to give them. You h
asked that a witness be called to ask him some questions of f
If there are any questions of fact, you may ask him. Is there
other question of fact you wish to ask him.

The Juror: No, sir.

Mr. Landers:

Q. Not all of those telegrams were procured from the Fiscal of
District Court, were they?

A. The originals from San Juan office and some originals fr
the Ponce office were obtained by the Fiscal.

Q. Didn't I issue a subpœna duces tecum out of this court
all original telegrams sent by Cerecedo, naming them? Do y
know whether I did or not?

A. I happen to remember that now. It was the copies of the or
inal telegrams that the Fiscal of the District Court got.

Q. And the originals were secured by me under a subpœna du
tecum under the order of this court?

A. Yes, sir.

Q. And they are here under the order of this court?

A. Yes, sir.

Mr. Landers: That is all.

Witness withdraws.

313 Isaac Ilureta, being called as a witness in behalf of
Government, was duly sworn and testified as follows:

Direct examination by the District Attorney (interprete

Q. What is your name?
A. Isaac Ilureta.
Q. Where do you live?
A. Luna Street, No. 52.

Q. Have you ever had any business with Manuel Cerecedo with reference to lottery tickets?
A. Yes, sir.
Q. Go on and state what the business was?
A. Some lottery ticket business.
Q. Well, did you buy some lottery tickets from him?
A. Yes, sir.
Q. How many?
A. For the first drawing, one hundred tickets.
Q. How did you happen to buy the first one hundred tickets from Manuel Cerecedo?
A. He sent for me to my house.
Q. And what did he say after he sent for you?
A. He presented the business to me and I accepted it.
Q. Well, what did he say to you? Tell it.
A. If I wanted to take some tickets from him.
Q. What kind of tickets?
A. Of the Santo Domingo lottery.
Q. Padre Ballini?
A. Yes.
Q. What did you tell him?
A. I told him yes, and then I asked him how much.
Q. And what did he say?
314 A. $2.25.
Q. How many did you take then?
A. One hundred.
Q. Did you pay for those tickets?
A. No, sir.
Q. Did you later on pay for them?
A. Yes, sir.
Q. How much did you pay?
A. At the rate of $2.25—I should say $225.00.
Q. Now did you buy any more tickets in September?
A. Yes, sir.
Q. How did you get those?
A. In the same manner.
Q. Tell him to describe the manner.
A. I took them the same way, on credit.
Q. Did you go down to Cerecedo's place of business and get them, or did he bring them to you?
A. I went for them.
Q. Did you have a conversation with him?
A. I have nothing to speak with him; I went for the tickets.
Q. How many did you get from him?
A. Three packages of five hundred tickets each.
Q. For what drawing?
A. For the 7th, the 21st, and 12th.
Q. The 12th of October?
A. I do not remember the month.
Q. The 7th of September?
A. Yes.

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Q. And they were three consecutive drawings, weren't they?
A. Yes.
Q. Then it must have been the 12th of October?
A. Yes.
315 Q. Did you pay him for any of those tickets?
A. Out of those tickets I had to hand 125 to anothe fellow, by orders of Mr. Cerecedo.
Q. Who was the other fellow?
A. Pepe Robles.
Q. Whereabouts did you get these tickets from Mr. Cerecedo—from his house, or his store, or where?
A. I took them out from the establishment—from the store.
Q. How were they delivered to you?
A. Three packages wrapped up.
Q. Then you did business directly with Cerecedo?
A. Yes, sir.
Q. Did you ever receive any correspondence from him with re erence to these tickets?
A. One document.
Q. What did it say?
A. I don't remember.
Q. Where is the document?
A. It was in the possession of the District Court; filed in th District Court.
Q. Now I see that you are only charged with having received 37 tickets from each drawing; how do you account for that when yo say you had 500 of each?
A. Well, because I had to turn over 125 to Pepe Robles.
Q. Out of that bunch of 1500?
A. Out of the 1500 I had to give, for each drawing, 125 to Pep Robles.
Q. And you did so?
A. Yes, I gave him the first 125.
Q. Did you return any tickets?
A. To the District Court.
316 Q. How many?
A. One package of 500, and another package of 125.
Q. Both of the same drawing?
A. Of the 12th and the 21st.
Q. Now I show you a package here of the 12th of October. Sta whether or not these are the ones you returned to the Fiscal?
A. Yes, sir.
Q. And these were the tickets you received from Manuel Cer cedo?
A. Yes, sir.
Q. The defendant in this case?
A. Yes, sir.
Q. Please examine that and state whether or not you have ev seen that before (handing a paper to the witness)?
A. No.

Q. Are you indebted to Cerecedo at the present time any amount for tickets?
A. The account for the 17th was settled.
Q. The account for the 17th of September?
A. Yes.
Q. I show you an account in this book, exhibit "CC" for the Government, under the name of Isaac Ilureta. State whether or not that correctly represents your purchases from Manuel Cerecedo?
A. It does.
Q. And that represents purchases of lottery tickets—100, 375, 375 and 375?
A. As appears in the note, 375 for each drawing. That is the quantity which I had to take under the agreement.
Q. Did you have an agreement with him?
A. Well, the agreement of 375.
Q. You agreed to take 375 of each drawing?
A. I did.

317 Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. What did you buy all those tickets for from Mr. Cerecedo?
A. For business.
Q. To sell them?
A. Yes, to sell them.
Q. Now, before Mr. Cerecedo sent for you, you were engaged in that business, were you not?

Mr. Landers: I object to it as immaterial; it does not make any difference what business the man was engaged in prior to this; the question here is the guilt or innocence of these defendants on the charge of conspiracy.
Mr. Travieso: The first question propounded by the District Attorney to this witness was, how it was that Mr. Cerecedo came to make these negotiations with him, and he said that Mr. Cerecedo sent for him to engage in the business, and I want to know how they came together.
The Court: It seems to me the question is immaterial. If it has any relevancy at all it is calling for the business of the witness, which in some aspects would be improper. If it were necessary to throw light on something material in the case it would be different, but I do not think it is necessary. It is a little inquisitorial in its nature, and the objection is sustained.
Mr. Travieso: Take an exception.

Q. How do you spell your last name?
A. I-l-u-r-e-t-a.

Q. Now, Mr. Ilureta, you testified here that you went to
318 Mr. Cerecedo's place of business and took possession of the tickets there and received the tickets from him.
A. Yes, sir.

Q. Do you remember having testified in the District Court in case against Mr. Cerecedo?

A. Yes, I remember having testified also there.

Q. Do you remember that the District Attorney in the District Court made this question to you. I will read, and your answer "This transaction was made directly with him?" That is the question; and your answer: "Directly, he sent them to me."

A. The first ones.

Q. Then the Fiscal asked you: "Whom did he use to send them to you?" and you replied: "I suppose that it was one of the employees, because when I arrived at home I found them at home."

A. No, not the tickets; we were not referring to the tickets; this was with reference to a document.

Q. I will start reading to you farther back.

A. This was relative to a document.

Q. Now, listen to these questions and answers, which I will read to you, and see whether you made them or not: "Do you remember on which date this transaction took place?" and answer: "I know that it was on the 17th, but I do not remember the month.

A. Yes, that was right.

Q. "Was it the 17th? Yes, sir. What letter? I do not remember—that of the 17th. What month? I believe it was September. Now did you have any other transaction after that? Yes sir. Did you pay that sum? Yes, sir. Did you make any other transaction with him? Yes, sir. Which other transaction was that? One in reference to 375 tickets. At what price did
319 he sell them to you? At the same price. Was this transaction made directly with him? Directly, he sent them to me. Whom did he use to send them to you? I suppose that it was through one of the employees, because when I arrived home I found the tickets at home. Did you have any other transaction with him after that? Yes, sir, the same transaction. For 375 tickets? Yes, sir. Did you go to get them? No, sir, he sent them to me." Now did you testify that in the District Court, or not?

A. I have said that the first one hundred tickets he sent to me and that is what I testified in the District Court, and he sent to me document wherein he said to send him the $90.00 which I was still owing for the 7th.

Q. So it is not true that you testified in the District Court, that on two occasions you had bought 375 tickets from Mr. Cerecedo and that he sent them to you?

A. No, sir, one hundred; no, sir, the only thing that he sent was the one hundred tickets first and then the paper.

Q. So every other ticket that you bought you went personally to get it, did you?

A. I brought the three drawings together.

Q. And you never went to get 375 tickets personally?

A. No, sir, I brought three drawings together of 500 in each package.

Q. Did Mr. Cerecedo ever send any tickets to your house?

A. I have already said 100 tickets for the drawing of the 17th.

Mr. Travieso: That is all.
Mr. Landers: That is all.

Witness withdraws.

320 JUAN AUDINOT, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by the District Attorney (interpreted):

Q. What is your name?
A. Juan Audinot.
Q. Where are you employed?
A. At the Palace—the Governor's office.
Q. How long have you been employed down there?
A. Nearly ten years.
Q. Do you know Manuel Cerecedo?
A. I do.
Q. Did you have any business dealings with him during the months of August, September and October of last year?
A. I had.
Q. What was the nature of those transactions?
A. During that time I purchased some lottery tickets from him.
Q. What lottery tickets?
A. Santo Domingo.
Q. Padre Ballini?
A. Yes.
Q. How many tickets did you buy?
A. Twenty-five for each drawing.
Q. And how many drawings did you have tickets in?
A. The 17th of August and of the 7th of September.
Q. How much did you pay for them?
A. At the rate of $2.30 each.
Q. Whom did you buy them from?
A. From Mr. Cerecedo.
Q. Whereabouts?
A. I went to make the deal at his house and he sent them over to me.
321 Q. That is above the store?
A. Yes, sir.
Q. You talked to Mr. Cerecedo personally?
A. I did.
Q. And what did he say to you?
A. I went to fix the matter of the tickets with him.
Q. Well, what did he say—what was the conversation?
A. I went there to fix the matter of the tickets, and I asked him whether he could sell me twenty-five tickets.
Q. Then what did he say?
A. Then he said, I will let you know.
Q. Then what happened?
A. Then we fixed that I would take them, and then after I col-

lected the money, then I would make payments to him, and then he said to me, I will let you know about this matter, and the next day when I returned home after I had left the office then I found that he had sent over with a lady an envelope containing the twenty-five tickets in question.

Q. Did you ever pay him for those twenty-five tickets?

A. For the first tickets I believe I sent him $46.00.

Q. Did you send him any prize tickets?

A. No, I didn't send him prize tickets.

Q. Whom did you pay?

A. Mr. Cerecedo.

Q. The defendant here?

A. Yes.

Q. Personally?

A. Yes.

Q. Did you go down to the store to pay him?

A. Yes, in his store.

Q. And did you buy any tickets after that?

322 A. After that he sent me twenty-five for the drawing of September 7.

Q. And you still owe him for that?

A. Those tickets, when the prosecution started, I remember that I returned to him about twelve or fourteen; the balance I have been unable to pay for them because the persons to whom I have sold them refused to pay me for them.

Q. They refused to pay you, therefore you refused to pay Mr. Cerecedo?

A. He has not demanded payment of me.

Q. Examine that account and state whether or not that is correct as to your purchase of tickets from the defendant Manuel Cerecedo (showing the witness exhibit AA for the Government)?

A. Those that I returned do not appear here—have not been deducted for.

Q. But all the tickets that you received appear there, and the payments that you made appear there?

A. Yes.

Q. But you still have credit coming on that transaction for the twelve tickets which you returned to Mr. Cerecedo?

A. Twelve or fourteen, I am not sure.

Q. But with that exception the account is correct.

A. Yes, it is correct.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. What did you buy twenty-five tickets for?

A. Those twenty-five tickets I purchased for the purpose of distributing them amongst several friends of mine so as to enable me to use or play the one which I played or used for all the drawings free, it costing nothing to me.

Q. But you did not give away those tickets to your friends, did you?

A. Of course not.

323 Q. You sold them to them, didn't you?

A. Yes, with that intention, so that I could get mine free of charge.

Q. Now, who delivered the tickets to you?

A. The tickets were not delivered to me; the tickets were sent over to my house and my wife delivered them to me.

Q. So you don't know who sent them to your house?

A. Mr. Cerecedo sent them, because I had fixed the matter the day before with him.

Q. So you suppose that Mr. Cerecedo sent them to you, but you don't know of your own knowledge.

A. Mr. Cerecedo must have sent them to me, because the lady who took the package, when she delivered the package to my wife, she said Mr. Cerecedo sends this.

Q. Was that said in your presence?

A. No, but my wife turned over the package to me and said Mr. Cerecedo sends this to you.

Q. So you know it because your wife told you?

A. Yes.

Mr. Travieso: That is all.

Witness withdraws.

324 FRANCISCO CASTAÑEDA, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by the District Attorney (interpreted).

Q. What is your name?

A. Francisco Castañeda.

Q. What is your business?

A. Industrial.

Q. Where do you live?

A. In Rio Piedras.

Q. Are you acquainted with Manuel Cerecedo, the defendant in this case?

A. I know him.

Q. How long have you known him?

A. Three or four months.

Q. Did you have any business transaction with him relative to lottery tickets last summer?

A. I came to him to deal about a horse, and then the question of the tickets came up.

Q. Just go on and tell what he said and what you said in that conversation?

A. He said to me whether it would be possible for me to sell some Santo Domingo lottery tickets in Rio Piedras.

Q. Do you remember approximately what date this was?

A. It was either in the latter part of July or early in August.

Q. And did you get any lottery tickets from him?

A. I received them by mail one day.

Q. How many?

A. Twenty-five tickets.

Q. I show you exhibit "UU" for the Government; state whether or not you have ever seen them before (handing the exhibit in question to the witness)?

325 A. That is my hand-writing.

Q. Did you write that thing?

A. I did.

Q. Where, when, and under what circumstances?

A. At the desk of Mr. Cerecedo.

Q. In his store?

A. Yes, sir, in the rear part of the store, in San Juan.

Q. Why did you write that?

A. Because he said to me that before he could send me the tickets I had to sign a receipt there for silk handkerchiefs.

Q. And this is a receipt for silk handkerchiefs?

A. Yes, sir.

Q. Written at the request of the defendant Manuel Cerecedo?

A. Yes, sir.

Q. Did you receive twenty-five silk handkerchiefs mentioned in that receipt?

A. No, sir, I received twenty-five lottery tickets of the Santo Domingo lottery by mail through my box.

Q. How did he know the number of the box?

A. Because he asked me, and I put it on the paper—131.

Q. Now I show you exhibit "BB" for the Government; state whether or not you have ever seen that before (handing the exhibit in question to the witness)?

A. Yes, the Spanish yes, the other no.

Q. Where, when, and under what circumstances?

A. About fifteen or twenty days after receiving the tickets I got this through my mail box, 131. He says, please forward money to remit same to its destination; if you want merchandise call quick for it, because there is little left.

Q. Do you know who that is from?

A. Undoubtedly from Mr. Cerecedo.

326 Q. I show you an account in exhibit "CC" for the Government, under the name of Francisco Castañeda; please examine it and state whether or not it is true and correct?

A. This is the amount of the tickets which he had sent to me according to the note which he had sent me.

Q. How much did he charge you for them?

A. 25 tickets at $2.35—$58.75.

Q. Does that correctly represent your account?

A. Yes, sir.

Q. And you still owe $58.75 for those tickets?

A. Yes, because the tickets, some were kept by the parties, and the others I burned when the police made a search in my house. I am not engaged in selling tickets.

Mr. Landers: That is all.

Cross-examination by Mr. Travieso:

Q. Who handed you this note (showing the witness exhibit "VV" for the Government)?

A. Box 131.

Q. Do you know who sent it to you?

A. I don't know; well, it must be Cerecedo, because it appears there "M", and I have no current accounts in San Juan with anybody.

Q. So that any account that you receive with the letter M, it must be from Mr. Cerecedo?

A. No, sir, it should not come from Cerecedo, because if I owe nobody, nobody can claim from me. As it says M, the M is Manuel Cerecedo.

Q. Now when you signed this receipt for 25 silk handkerchiefs, did you get the 25 tickets that you say?

A. No, I said to him that I would not take them; that if he wanted to send them over, he might.

327 Q. Why didn't you want to take them?

A. Because there were two detectives there on the lookout, or searching, and I am not engaged in that business.

Q. What were you buying them for if you were not engaged in the business?

A. No, sir, I was not buying them; I came to him to see whether he would accept a guarantee of $75 for the purchase of a horse.

Q. But you said that you signed this receipt, didn't you, for twenty-five tickets?

A. Yes, sir: I told him, you may send them over; if I am able to sell them, then I will send the money; so it was then that he said, sign here.

Q. Then you were going to act as agent for the sale of those twenty-five tickets?

A. I was going to see whether I could place them there. My business is to buy and sell livestock.

Q. But you were going to do Mr. Cerecedo the favor of placing twenty-five tickets for him?

A. Yes, I was going to send somebody else to dispose of them.

Q. Without any profit to yourself?

A. No, without any profit; I was getting nothing. At the price at which he quoted me I sent them to a nigger in Caguas.

Q How long had you known Mr Cerecedo before this time?

A. I have heard his name before, but I had never had any personal dealings with him and I had never gone into his store.

Q. So that the first time that you saw Mr. Cerecedo was when you signed this receipt?

A. I came to speak to Mr. Cerecedo. . . .

Q. I know that; you have already told that; are you in the habit of signing receipts in advance for things that you have not received?

A. As he said that he would send them immediately I had no objection to sign, and if he had not sent them I would not

328 have paid for them, either.

Q. Where is your residence, Mr. Castañeda?

A. In Rio Piedras.
Q. Have you lived there all the time?
A. I have been living there for sixteen months because I am at liberty on parole.
Q. Of what crime were you convicted?

Mr. Landers: To which I object as absolutely incompetent, irrelevant and immaterial. The only question he can ask is, were you ever convicted of a felony? He cannot go into what crime he has been convicted of and things of that character.

Mr. Travieso: The man says that he is at liberty on parole, and I am asking him of what crime he is out on parole. I may ask him if he was convicted of a felony, and if he says he was, then I will have to ask him what it was to see whether it would affect his credibility or not.

The Court: The objection is overruled. He in effect has stated that he has committed a crime, and the question is, what crime have you committed. The objection is overruled.

A. Two shots which I fired at a man.
Q. And killed him?
A. No, sir.
Q. So you were convicted of an attempt to kill, were you not?
A. For attempt to kill.

Mr. Travieso: That is all.

329 Redirect examination by Mr. Landers:

Q. How did you happen to go to Mr. Cerecedo's place of business that time?
A. I bought a horse in Humacao from Bernabé Martinez. Bernabé Martinez kept an account current with him, and I offered the guarantee of Pedro Vilella, of Naguabo, to Martinez, and then he said, go and see Cerecedo; if Cerecedo accepts that guarantee that that amount should be credited to Mr. Cerecedo, because they kept a cafetín there; and I may bring the letter where he indicated to me, or suggested to me, to see Mr. Cerecedo.
Q. And that is how you happened to be in Mr. Cerecedo's store having transactions with him?
A. Yes, sir.

Mr. Landers: That is all.

Witness withdraws.

330 TITO SANTOS, being called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by the District Attorney (interpreted):

Q. What is your name?
A. Tito Santos.
Q. What is your business?
A. Merchant.

Q. Where are you employed?
A. I have a place of business, or store, in Santurce.
Q. Were you employed by Mr. Manuel Cerecedo, the defendant here?
A. Yes, sir.
Q. When?
A. I don't remember well, but it was up to October or November.
Q. Last summer?
A. Yes, sir.
Q. Do you know Andrés Grillasca?
A. I know him.
Q. How long were you employed by Cerecedo?
A. Over a year.
Q. Did you work for him during the months of July, August and September, 1913?
A. Yes, exactly.
Q. What position did you work in?
A. I was general clerk.
Q. Did you do any traveling around the island for him?
A. Yes, sir.
Q. Do you know what business Manuel Cerecedo was engaged in besides general merchandise during the months of July August and September?
A. I suppose that he was engaged in another business.
331 Q. What was it?
A. For the reason that, among several boxes which were forwarded to me to the island containing advertising matter, one of them contained lottery tickets.
Q. Now, during the time that you worked in Cerecedo's house, state whether or not you ever saw lottery tickets down there?
A. Inside of the store, never.
Q. Where did you see them?
A. I saw that on one occasion Juan Antonio Perez asked me to take a certain amount of tickets which he had to return to the firm of Cerecedo, which I refused, and from that time I understood that the firm was engaged in that business.
Q. Now didn't you see him send some lottery tickets to Juan Antonio Pérez?

Mr. Travieso: I object to that question as leading.
Mr. Landers: I will admit that it is leading, but I ask permission of Your Honor to ask this witness leading questions.
The Court: Why?
Mr. Landers: Because I have tried three or four times to get it out and I have not been able to do it yet.
The Court: The objection is sustained at present.

Q. Did you see any lottery tickets around the store of Cerecedo, or leave the store of Cerecedo?
A. No, sir.
Q. Did you ever see any remittances made to Juan Antonio Pérez?

A. No, sir, because on the occasion that that man tried to retur them to the firm through me I refused to do it.

Q. You say you traveled for the house?

A. Yes, sir.

Q. What were your duties?

A. Salesman to sell to certain people.

332 Q. What did you sell?

A. Provisions and wines and liquors.

Q. Well, did you sell anything besides provisions, wines an general merchandise and things of that kind?

A. Some drugs also.

Q. Well, besides drugs, merchandise, hardware, and such thing did you sell anything else?

A. I repeat that I received a box containing lottery tickets, an I undertook to distribute them.

Q. Did you know whom to give them to?

A. They came enclosed in blue envelopes with the address of th parties to whom they were to be delivered.

Q. And you knew that these lottery tickets were to be containe in this package, did you not?

A. Yes, perfectly well—50 each.

Q. This was in a box of advertising matter?

A. No, in one box by itself.

Q. Where were you when you received this?

A. At Caguas.

Q. You knew that this was coming to you, didn't you?

A. I was not expecting it. I have already said that when Jua Antonio Pérez intended to return that to the firm through me—

Q. Tell him to never mind that. Did you have any conversatio with Manuel Cerecedo as to the delivery of these envelopes befo you left for Caguas?

A. Not before; after that I called him by phone, and then h said to me that among the boxes with the advertising matter the was a box, and to make the distribution.

Q. Now, did you make that distribution?

A. I did.

Q. Did you collect any money?

333 A. I delivered them, and about a month or a week afte wards, after some time had elapsed, I went to see those parti to try to collect from them.

Q. At whose orders did you go to see those parties?

A. I received a letter with several papers typewritten and a pap with authority to collect that money, authorizing me to collect th money.

Q. Examine these documents and state whether those are th papers that you received (handing several papers to the witness)

A. Yes, these are.

Q. Whom did you receive those from?

A. I received these by mail.

Q. From whom?

A. I want to explain the process how I received these. I received a letter—please collect from Mr. So-and-so, and signed "M".
Q. Now who was M?
A. I suppose that it was Manuel Cerecedo; I cannot prove it.
Q. You don't know?
A. Under that procedure of the M I took it for granted that it came from my principal, and I undertook to make the collections.
Q. You were working for Manuel Cerecedo, weren't you?
A. No, on account of the firm of Cerecedo.
Q. Whom did you turn the money over to?
A. I forwarded the same to the firm—to the house.
Q. Why did you do that?
A. Because all the money that I collected in the island I remitted to them.
Q. Under their order?
A. No, by order of the person from whom I had collected I appeared there to collect, and as a representative of that firm I collected the money, and it was delivered to me and I forwarded
334 it to them.
Q. How many trips did you make collecting around the island?
A. I have a notion that I made two trips.
Q. Do you know how many trips you made?
A. I mean collecting; I made several trips.
Q. Now here in Gurabo—José Rosa $45.00, paid—did you collect that?
A. Yes, sir.
Q. Did José Rosa tell you to send that money to Manuel Cerecedo?
A. To the house of Cerecedo.
Q. And each one told you to send the money to the house of Cerecedo?
A. Yes, sir.
Q. Then you did not act as the agent of the house of Cerecedo in the collection of these?
A. I was engaged in selling and collecting at the same time. I do not know what secret understanding existed between them.
Q. Now how many times did you receive tickets for delivery out in the island?
A. On two occasions.
Q. Only on two occasions?
A. Only on two occasions.
Q. Fifty envelopes on the first occasion; how many on the second occasion.
A. No, I received twenty envelopes containing fifty tickets each.
Q. On the first occasion?
A. Yes.
Q. How much the next trip?
A. On the second time I am not sure; I think it was more than fifteen envelopes.
Q. Of fifty tickets?

A. Fifty each.

335 Q. Did you make deliveries of those?

A. Yes.

Q. How did you receive those?

A. In a box. The first box was the one to which reference has already been made, and the second remittance came in another box which was delivered to me by the Porto Rico Motor Company.

Q. Now you testified before the Fiscal, didn't you?

A. I did.

Q. I call your attention to this: "In what quantities did you sell tickets? Answer: I succeeded in selling, more or less, eight hundred, nine hundred, or a thousand. Monthly? Answer: Yes, monthly."

A. Yes, sir.

Q. That is the truth, then?

A. Yes, sir, that is the truth. I have already said that there were twenty packages.

Q. And you sold those for each drawing?

A. Yes, for the drawings that they sent to me—only two.

Q. By the house of Cerecedo?

A. Yes.

Q. And the money collected by you was remitted back to the house of Cerecedo?

A. Of course, undoubtedly.

Q. Now you received all of these papers through the mails?

A. Yes, sir.

Q. From the house of Cerecedo?

A. That is my supposition or presumption, because I have already stated that they were sent under the letter M.

Q. Now do you know whether they came from Santos Filippi or not?

A. I don't believe it, because that gentleman had never sent any correspondence to me.

336 Q. Well, was anybody else corresponding with you at all about business except Manuel Cerecedo?

A. No.

Q. Now do you notice that they are all torn?

A. I did it myself.

Q. When?

A. On one occasion when I was caught in Cayey.

Q. How were you caught?

A. That they made a search in my room, and I thought that was dangerous.

Q. So you tore them up?

A. Yes.

Mr. Landers: I offer this in evidence.

The Court: Any objection.

Mr. Travieso: I object, because they are not signed by any of the defendants in this case, and in view of the testimony of the witness himself who says that he supposed that they were sent by Cerecedo

but is not sure that they were so sent, therefore they could not be used to the prejudice of the defendant unless properly connected.

The Court: The objection is overruled.

Mr. Travieso: Note my exception.

The papers in question were then placed in evidence and marked exhibit "HHHHH" for the Government.

Q. Now examine these documents and state what they are (handing other papers to the witness).

A. This is connected with the business.

Q. Of the selling of tickets?

A. Yes, sir.

337 Q. Where did you get those? Where did these come from?

A. Well, it came from the account which I rendered to him.

Q. Well, what are those things?

A. Of tickets.

Q. Do these entries represent remittances of money to Cerecedo, or sale of tickets, or what do they do?

A. Both; you have got both things there. This here represents sales, and this here remittances of money (indicating).

Q. Whose hand-writing is that?

A. My hand-writing.

Q. Now then, did you sell, at Juncos, N. Sierra ten packages of tickets?

A. Ten tickets that represents.

Q. Did you sell them out there at Juncos?

A. Yes, those I left with that party there.

Q. By whose direction?

A. In compliance with the instructions of the party who had sent me there.

Q. Who was the party who sent you there?

A. The firm of Cerecedo—what I have already stated, under the letter M.

Q. You never had a conversation with Mr. Cerecedo with reference to making delivery of these tickets before leaving?

A. Not before.

Q. Who was it that had the conversation with you over the telephone?

A. I think it was his voice, although I am not sure; I could not identify it.

Q. At Gurabo did you give fifty tickets to Rosa Diaz?

A. I did.

Q. In Humacao, to Lopez 100 tickets?

A. Yes, sir.

338 Q. In Naguabo, to Paco twenty-five tickets?

A. Yes, sir.

Q. To Ramón Cadilla, at Saguas, twenty-five?

A. Yes.

Q. J. Nuñez, Caguas, twenty-five?

A. Yes.

Q. At San Lorenzo, Ramirez?

A. No, Pachin and Ramirez at San Lorenzo.
Q. Now this is a report, is it not, which you made to Manuel Cerecedo?
A. That is it.

Mr. Landers. That is what I am trying to find out; then I offer this in evidence.

Q. This was made in the course of your business?
A. Exactly.
Q. And you sent this to Cerecedo?
A. Yes, sir.

Mr. Landers: I offer it in evidence.
The Court: Any objection?
Mr. Travieso: My objection depends from where this document comes; if it comes from the witness himself, handed to the District Attorney, my objection will be one, and if it comes from Cerecedo's place my objection will be a different one.
Mr. Landers: It is immaterial where it came from, because the ledger shows these same items.
The Court: The District Attorney does not answer; state your objection.
Mr. Travieso: My objection, in the first place, is that it is immaterial with reference to the issue in this case; that if it comes from the witness himself it should not be admitted as a corroboration of the witness' own testimony, because the party who introduces a witness should not be allowed to introduce evidence prepared by the witness himself to corroborate his own testimony. If this is a document taken from the possession of the defendant, I object on the ground that the taking of this document under the search warrant issued to Mr. St. Elmo, and the use of this document, would be compelling the defendant to be a witness against himself, in violation of his constitutional rights.
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Mr. Landers: I will prove by another witness where it was found.
The Court: I will not pass on it now, then.
Mr. Landers: No, I will prove it later.

Q. Did you make a trip to Arecibo?
A. Yes, I did.
Q. Did you leave any tickets there?
A. No.
Q. Make any collections there?
A. Neither.
Q. What towns did you leave tickets in?
A. Caguas, Cayey, San Lorenzo, Aguas Buenas, Gurabo, Juncos, Humacao, Naguabo, Fajardo, and Aibonito.
Q. Then you sold tickets there and made collections which you remitted to the house of Cerecedo Hermanos & Company?
A. Yes, sir.
Q. Now, Mr. Tito Santos, who told you to go to Arecibo to investigate about the capital prize of August 17?

A. I went to Arecibo with business purposes—for selling purposes.

340 Q. Did you make any investigation about the loss of the winning ticket for the capital prize of August 17?

A. The only thing is that I heard something about the matter and I spoke about it in two or three barber shops there, and the only thing that I found out was that a lady there had gotten the capital prize.

Q. Did Cerecedo tell you to go up there and investigate that matter?

A. No, sir.

Q. Do you know Celso López?

A. I do.

Q. How much money did you collect from him?

A. I know he made a payment of $70 in one instalment and $30 in another instalment. I received several payments from him.

Q. Didn't you collect altogether $222.75 from him?

A. I cannot remember.

Q. Approximately about that amount?

A. Yes, it may be; it may be, but I have no record of that.

Q. Do you know José Dávila?

A. Yes.

Q. You made collections from him too for Cerecedo's account, didn't you?

A. Yes.

Q. Do you know Ramón García?

A. I don't remember that name.

Q. Do you know M. López Cepeda?

A. Yes.

Q. You collected $40 from him, didn't you?

A. They used to pay me in small instalments and I forwarded it or remitted to the firm whatever I got from them.

Q. You did quite a business of collecting and selling these tickets, did you not?

341 A. Well, I supposed that I was in the performance of my duties in compliance with the instructions which I had received.

Q. Whom did you receive those instructions from?

A. From the firm.

Q. From M in the firm?

A. From the firm which I supposed that it was; that is the only firm that could have sent me that.

Q. What member of the firm gave him instructions?

A. The orders which I received were given by phone; it was a strong voice. When I left for the island I did not leave to make any sale of that kind.

Q. When you came back from your first trip—do you remember that?

A. I remember.

Q. Did you have any talk with Manuel Cerecedo with reference to the sale of these tickets when you came back?

A. No, because when I returned I did not go back to the house to work again.

Q. You made two trips on the island, didn't you?

A. Yes, two trips, but I did not leave Caguas; two trips around, but I never left Caguas.

Q. Your headquarters were in Caguas?

A. Yes.

Mr. Landers: Take the witness.

Cross-examination by Mr. Travieso:

Q. Now, Mr. Santos, you say that you distributed a number of envelopes in different places to different persons?

A. I did.

Q. Those envelopes were open or closed?

A. They were closed and sealed—glued; but I opened one and counted its contents. Finding fifty sheets, I did not think it
342 necessary to open the rest, because I presumed that they contained fifty sheets each.

Q. Mr. Santos, you have been accused of conspiracy in the sale of lottery tickets, have you not?

A. Yes, I was caught in Caguas; well, I mean to say I surrendered myself in Caguas, because I heard that they were looking for me.

Q. So you were arrested, weren't you?

A. I was arrested and they brought me as a prisoner.

Q. And a complaint was filed against you for conspiracy in the sale of lottery tickets?

A. It must have been, because I know that as soon as I got to headquarters the Prosecuting Attorney did not make any declaration to me, and he said to me that I was under five hundred dollars bond, and when I realized the situation I sent for two friends of mine.

Q. Is that accusation still pending against you?

A. It is, until the other day when I was subpœnaed for the District Court, although this matter was under way here when I had testified there.

Q. So that after you testified here the charge was dismissed against you in the other court; is that a fact?

A. I appeared before the Prosecuting Attorney of the District Court and testified there, because this is the first time that I have testified here in this court. This happened on Thursday of last week, and after that I was subpœnaed here. After I had been sworn and I was waiting to be called to testify again, the Marshal of the District Court came up to notify me that I was accused of conspiracy, and he said that, as I was a witness for The People of Porto Rico, the Prosecuting Attorney had assured him that I would be relieved from that complaint.

Q. So that you were promised that you would not be prose-
343 cuted if you testified in this case?

A. No, I was supbœnaed to appear before the District Court. I was subpœnaed to appear in the morning in the District Court, and they said to me there that a complaint had been filed

against me and that I would be put in the penitentiary for two or three years, and as this matter does not concern me at all I said to them that I was willing to testify.

Q. So you were willing to testify after they told you that you would be put in the penitentiary for two or three years; is that a fact?

A. Yes, after I had been accused.

Q. Who told you that about the two or three years in the penitentiary?

A. Mr. St. Elmo.

Mr. Travieso: That is all.

Redirect examination by Mr. Landers:

Q. Did I have anything to do with that?

A. No, sir.

Q. Were you threatened to testify in this case in any respect whatever?

A. No, no threat; the only thing was that they laid before me that situation.

Q. Now who were they? The Fiscal of the other court?

A. St. Elmo and Detective Suarez—a stout fellow; I am not sure whether his name is Suarez or not.

Q. What was it they laid before you? What proposition?

A. That in case that I should not testify for The People of Porto Rico that I would be sent down to the Penitentiary.

Q. There was nothing said about this case?

A. He said that to me only; he just made that statement to me; he laid that picture before me—you will be down in the penitentiary if you do not testify.

344 Q. Did he state that in case you did not turn State's evidence you would be liable to punishment down in the penitentiary for two or three years?

A. The foundation is this: If you do not turn a witness for The People of Porto Rico in a case in which you are not concerned, or which makes no difference to you, then you will go to jail; and then I answered him, I have no objection whatsoever to make this explanation.

Q. The explanation that was required was not made in this court, was it?

A. I do not know for which court; I know that the first subpœna which I received was for this court.

Q. The first explanation was not before me, was it?

A. No, this is the first time that I come here.

Q. Was it made before the District Court Fiscal, of San Juan?

A. Yes, sir.

Q. Then it had nothing to do with this case?

A. I am answering to the question of counsel for the defendant.

Q. I say, then it had nothing to do with this case?

A. I think so; I suppose so.

Q. Is your testimony voluntary here?

A. Of course.
Q. Have you ever been threatened here?
A. No, sir. I repeat that this is the first time that I have come here.
Q. Been promised any reward of any kind?
A. No, sir.
Q. You are not indicted in this court, are you?
A. I don't know.

Mr. Landers: That is all.

A Juror:

Q. Did you testify up in the other court, did I under-
345 stand, last Thursday?
A. On the 12th.
Q. I would like to ask him if he knows Detective Quiñones?
A. Yes, I know him.
Q. Did he speak to you?
A. No, sir.

A. Witness withdraws.

346 WALTER M. ST. ELMO, being re-called as a witness in behalf of the Government, was duly sworn and testified as follows:

Direct examination by Mr. Landers, United States Attorney:

Q. Mr. St. Elmo, please examine these documents which I hand you and state where, when, and under what circumstances you found those documents. (Handing several papers to the witness.)
A. These were found by me in the house of Mr. Cerecedo, on the 16th of September, when I searched his place, and seized under authority of a search warrant issued by the Municipal Judge of San Juan, and an order of arrest which I had at the same time.

Mr. Landers: Now I offer this document in evidence, if Your Honor please.
The Court: Any objection?
Mr. Travieso: I renew my objection on the ground that this was taken from the possession of the defendant without his consent, and that the admission of the document will be equivalent to compelling the defendant to be a witness against himself, in violation of his constitutional right; and further on the ground that it is immaterial to the issue in this case.
The Court: The objection is overruled, and the paper is admitted.
347 Mr. Travieso: Note an exception.
The Court: The exception is allowed.
The document in question was then placed in evidence and marked Exhibit IIII for the Government, and was read to the Jury by the District Attorney.

Q. Please examine that document and state where, when, and

under what circumstances you found it. (Handing another paper to the witness.)

A. This document was found by me in the house of Mr. Cerecedo on the 16th of September, when I searched his place under authority of a search warrant issued to me by the Municipal Judge, and was seized under the same circumstances as the previous document identified by me.

Mr. Landers: I offer this document in evidence.

The Court: Any objection?

Mr. Travieso: I make the same objection I made as to the other on the ground that this was taken from the possession of the defendant without his consent, and that the admission of the document will be equivalent to compelling the defendant to be a witness against himself in violation of his constitutional right; and further on the ground that it is immaterial to the issue in this case.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: I take an exception.

348 The Court: The exception is allowed.

The document in question was then placed in evidence and marked Exhibit JJJJ for the Government, and read to the Jury by the District Attorney.

Q. Examine this document and state under what circumstances you found it. (Handing another paper to the witness.)

A. This document I found in Mr. Cerecedo's house on the 16th of September when I searched his place under authority of the search warrant issued to me by the Municipal Judge, and was seized under the same circumstances as the document just identified.

Mr. Landers: I offer this in evidence.

Mr. Travieso: I make the same objection I made as to the other on the ground that this was taken from the possession of the defendant without his consent, and that the admission of the document will be equivalent to compelling the defendant to be a witness against himself in violation of his constitutional right; and further on the ground that it is immaterial to the issue in this case.

The Court: The objection is overruled and the paper admitted.

Mr. Travieso: Note an exception.

The document in question was then placed in evidence and marked Exhibit KKKK for the Government, and read to the Jury by the District Attorney.

Q. Do you know Tito Santos?

349 A. Yes, sir.

Q. Did you ever threaten to put him in the Penitentiary if he did not testify before the Fiscal?

A. No, sir; I did not.

Q. Did you ever tell him that if he did not testify in the case before the Fiscal that he would get two or three years down in the Presidio?

A. No, sir.

Q. Did you ever have any conversation of that character with him?

A. He sent for me about six weeks ago and asked me if I would intervene with the Fiscal in order that the Fiscal would accept him as a State's witness in the case pending in the District Court. Some time later I know that the Fiscal called him.

Q. Now, on the 12th of this month did you and the detective Suarez call him in and threaten him that if he did not testify he would get two or three years down in the Presidio?

A. No, sir.

Q. Mr. St. Elmo, are you acquainted with Francisco Valle?

A. Yes, sir; I am.

Q. What relation is he to the defendant Carlos Valle?

A. He is a brother.

Q. What relation is he to the defendant Grillasca?

A. They are relatives; I think it is second cousin.

Mr. Travieso: I object to testimony to establish the relationship between two men. The best evidence is the birth certificate,
350 under the rules of evidence, not what the witness thinks about the relationship between two men. The best evidence is the birth certificate.

Mr. Landers: I withdraw that.

Mr. Travieso: I move to strike out the whole testimony as not being the best evidence to prove the fact that the District Attorney wants to establish. Under the best evidence rule, the best evidence would be the birth certificates to show the relationship between the defendant and his alleged brother.

The Court: The objection comes too late as to the first question which was asked and answered, that is, as to the brother. As to the second question, it is sustained, as to "I think it is second cousin." That is not direct testimony at all. To the first part. "They are relatives," the objection is overruled. Let that part stay in, the ground of the ruling being that it being a collateral matter one does not have to use documentary evidence. If that was the issue in this case it would be a different proposition.

Mr. Travieso: Note my exception.

Mr. Landers: That is all.

Mr. Travieso: No cross-examination.

Mr. Landers: The Government rests.

351 *Testimony for the Defense.*

W. N. LANDERS, being called as a witness in behalf of the defendants was duly sworn and testified as follows:

Direct examination by Mr. Travieso:

Q. What is your name?

A. W. N. Landers.

Q. Are you the United States District Attorney for the District of Porto Rico?

A. I am.

Q. Mr. Landers, is it a fact that on the morning of the 16th of March, and prior to the beginning of this trial, I handed you a letter, in my capacity as attorney for Manuel Cerecedo, requesting the return of some papers that had been taken from the possession of the defendant in reference to this case?

Mr. Landers: Now, if Your Honor please, I object to the question as incompetent, irrelevant and immaterial. It does not tend to prove any issue in this case. If it is true it is only a private communication between parties and has no bearing whatever upon the issues so far as the guilt or innocence of these defendants is concerned. Another point, if Your Honor please, the attorney for the defendant cannot predicate the return of any papers in this court
352 or in my possession upon the mere demand of a letter, but the proper action must be brought.

Mr. Travieso: If Your Honor please, from the beginning I have been objecting to the introduction of all the documentary evidence that was taken from the defendant, to have the record show that I made a demand on the District Attorney for the return of these papers, and it is for the purpose of establishing that fact that I asked this; and it is necessary so as to have the record show everything that took place with reference to this trial and prior to it. I think we are entitled to have the record show every step that we took in connection with it.

The Court: Let me see the letter.

The letter in question was then handed to the Court.

Mr. Landers: I object on the further ground that it was not a seasonable demand under the meaning of the Fremont Weeks case.

The Court: There is no dispute as to the facts.

Mr. Landers: I received that letter the morning before the trial. about half an hour before the trial. I received the original.

The Court: The objection is sustained. You may ask any further question so as to get this into the record so that it can be passed on by a higher court.

353 Mr. Travieso: My only purpose is to have it in the record in case we have to go higher.

The Court: Since the matter has so far been in the presence of the jury, gentlemen, this matter collaterally has come up a number of times. For the purposes of this case you will consider the evidence that is in the case and the attorneys make no comment on anything that is not in the case. Of course the decision of this Judge is not final in a criminal case at all events, and the defendants, in case of a conviction, would have the right to go higher, and for that purpose it is perfectly proper for their counsel to make whatever motions he sees fit, and if refused by me, that fact and the refusal goes into the record that goes up to the Supreme Court. That does not affect you in the slightest. I have not asked you to step out in each instance because it does not seem necessary. You are all grown men, and you know that there is a procedure and a right way of doing business in court, and you will not let that prejudice you one way or the other. The objection is sustained.

Mr. Travieso: Your Honor means that I cannot ask him any further question?

354 The last question was read by the stenographer at the request of the Court.

The Court: I would suggest that you show him that paper and ask him whether that is the paper.

Q. Is this a copy of the letter which I handed to you that morning (handing a paper to the witness)?

A. Yes, I believe this is a copy. It is similar to this, anyhow, and to the same effect.

Q. Have you the original in your possession?

A. I have it down in my office, yes. I will admit that this is a copy. I would like to make an explanation right now. I received this letter about half an hour before the opening of the trial of Manuel Cerecedo. I declined to make any response to the communication, first, on the ground that it was not a seasonable demand; and second, on the ground that the papers were not in my actual, my legal possession.

Mr. Travieso: I will offer this copy in evidence for the defendants to show the contents of our demand.

Mr. Landers: For the purposes of this record I object to the offer of the letter in evidence on the ground that that is not such a demand as is contemplated by the case of the United States vs. Fremont Weeks; but in order to take advantage of Amendments IV and V to the Constitution the defendant himself must make a sea-

355 sonable demand by petition before the Court, in order to give the Government an opportunity to be heard.

The Court: The objection is sustained.

Mr. Travieso: Note my exception.

The letter in question was then marked Exhibit A for the defendants, not admitted.

Witness withdraws.

Mr. Travieso: In the cross-examination of the witness Isaac Ilureta I laid the foundation for an impeachment in reference to his answers to some of the questions of the District Attorney, and now I offer the transcript of the testimony of the same witness Isaac Ilureta before the District Court of San Juan, which transcript is certified by the official stenographer of the said court.

Mr. Landers: To which I object as incompetent, irrelevant and immaterial. Under no circumstances can a transcript of evidence of that character be introduced to impeach a witness. He must bring eye-witnesses or the reporter himself down here to testify as to what that man testified up in the other court.

Mr. Travieso: I offer Mr. Texidor as a witness to prove the

356 testimony given by Mr. Isaac Ilureta as to the answers he gave there in answer to the questions made to him by the Fiscal.

JACINTO TEXIDOR, being called as a witness in behalf of the defendants, being duly sworn testified as follows:

Direct examination by Mr. Travieso (interpreted):

Q. What is your name?
A. Jacinto Texidor.
Q. Your profession?
A. Lawyer.

The Court: Do not understand that I have ruled on that objection. You are simply waiving it by getting at it in another way. It is an interesting point that I shall have to settle some time in this respect. Of course the general rule is that evidence must be by sworn witnesses or by a deposition, although there is an exception as to certain documents. Now I find that here and generally in the land of the Civil Law certificates are admitted much more freely than at the Common Law, and so I am not prepared to say whether that would be a proper offer or not.

Mr. Travieso: To make sure I will do it by a witness.

357 Q. Mr. Texidor, were you of counsel for the defendant Manuel Cerecedo in Criminal case No. 3461 before the District Court of San Juan?
A. I was one of the counsel.
Q. Were you present at the trial of the said case?
A. Yes, sir; I was present during the trial.
Q. Do you know Isaac Ilureta?
A. I saw him there.
Q. Did you see him and hear him testify in the case?
A. Surely.

Mr. Landers: I am going to object to this line of evidence on the ground first, that they have not laid the proper foundation. When the witness Isaac Ilureta was on the witness stand his attention was not specifically called to the trial had in the District Court, or parties present, or the date. Certain things were read this way: Did you testify so and so up in the other court? And they must call his attention to the circumstances under which the testimony was given, the parties present, and the place where it was held, and all facts, so that it would be brought intelligently to his mind. And upon that ground I object to any line of examination contemplated by Mr. Travieso.

The testimony given by Isaac Ilureta while on the witness stand was then read by the stenographer.

358 The COURT: The objection is overruled. It would seem from that that the witness readily recognized the trial. There is no evidence that there ever was any other trial, so the objection is overruled.

Q. Now, Mr. Texidor, do you remember what the witness Isaac Ilureta testified with reference to the fact whether three hundred and seventy-five lottery tickets which he said he had bought from Mr. Cerecedo were delivered to him personally or were sent to him?

A. Yes, sir; I remember he testified that those tickets had been sent to him at his house.

Mr. Travieso: I want to refresh the memory of the witness by showing to him the same questions and answers which I read to the witness Illureta.

Mr. Landers: I object to that. If he is going to testify as to what the witness testified, he must testify from memory, because he did not make that record. It has not even been shown that it is a correct transcript of the proceedings in the District Court.

The Court: The objection is sustained. It amounts to leading the witness by handing him a paper and asking him whether that is what happened on another occasion.

Q. Do you remember, Mr. Texidor, what the witness answered to my question in the District Court when he was asked if the tickets had been delivered to him personally or sent to his house;
359 what did he answer in reply to that?

A. This witness said that the tickets had been sent over to his house. That they had been sent to him.

Mr. Travieso: That is all.

Cross-examination by Mr. Landers:

Q. Now, Mr. Texidor, where did he testify that he lived?

A. I don't remember.

Q. You don't remember?

A. No, there were four cases, and I cannot remember the details of each one.

Q. Did he testify that he lived down in Sol Street?

A. I could not swear to it.

Q. How much money did he testify that he had paid for these?

A. I don't remember.

Q. Do you remember how many tickets he bought?

A. I don't know in this particular case. There were four different purchasers and they appeared making statements.

Q. There were a good many cases pending up there weren't there, Mr. Texidor?

A. Of this kind four, and I believe there are four or six more pending.

Q. And you were pretty busy up there, weren't you?

A. Well, as a rule when trying a case of that nature our mind is occupied.

Q. Now isn't it a fact, Mr. Texidor, that the only way you remember what this man Illureta testified to was from reading this record right here in the court-room?

A. No. It was when I noticed the inconsistency or the
360 conflict between the testimony given by him in this court and his testimony there in the other court.

Q. But you don't know any of the other testimony that he gave up there?

A. It may be that I remember certain items or facts.

Mr. Landers: That is all.

Redirect examination by Mr. Travieso:

Q. Mr. Texidor, you remember the points that are material to the case, don't you?

A. Yes, the essential points. I did not consider that the domicile of the witness was material or essential, and so I paid no attention to it.

Recross-examination by Mr. Landers:

Q. Mr. Texidor, he testified, didn't he, that the bought the tickets from Manuel Cerecedo, the defendant in this case?

A. He said that he bought them, but I don't know whether he paid for them at the time, or later, or what.

Q. Did he not say that he got them from Mr. Cerecedo?

A. He said that he received them by a person who he supposed came from Mr. Cerecedo's house.

Q. Didn't he say that he had a conversation and made arrangements with Cerecedo beforehand?

A. I think so.

Mr. Landers: That is all.

Witness withdraws.

361 JOSÉ MORALES DIAZ, being called as a witness in behalf of the defendants, was duly sworn and testified as follows:

Direct examination by Mr. Travieso (interpreted):

Q. What is your name?

A. José Morales Diaz.

Q. What is your profession or occupation?

A. Stenographer of the District Court of San Juan, Second Division.

Q. Is that the criminal division of the court?

A. Yes, sir.

Q. Have you in your possession the stenographic notes taken by you at the trial of the case of The People of Porto Rico vs. Manuel Cerecedo, No. 3461?

A. I have.

Q. Have you, in those notes, the testimony given by one Isaac Ilureta?

A. I have.

Q. Will you examine those notes and see if the following question was asked of the said witness,—the questions that I will give you, and what answers he gave to them? Will you examine this record and see if it is certified to by you? (Handing the document to the witness.)

A. Yes, sir; it is certified to by me.

Q. Is that an exact and true copy of the testimony as taken by you at the trial of that case?

A. It is.

Q. Does that record contain all the questions and the answers given by the witness Isaac Ilureta at that trial?

362 A. All of them, absolutely.

Mr. Travieso: Then, if Your Honor please, this transcript having been identified by the stenographer who took it, I offer the testimony of Isaac Ilureta as given before the District Court of San Juan.

Mr. Landers: I think that the stenographer might refresh his memory from that, or read it himself into the record, but I don't think the transcript itself is admissible.

The Court: I do not suppose you care for it all.

Mr. Travieso: Especially those questions as to whether the lottery tickets were delivered to him or whether he went for them. I offer in evidence the questions and answers contained at pages 2 and 3 of this transcript.

Mr. Landers: I object to it as incompetent, irrelevant and immaterial, and it is not the way to impeach a witness.

The Court: I will hear you, Mr. District Attorney, on your objection.

Mr. Landers: I undertake to say that the proper way to impeach a witness is to bring the stenographer in here and ask him whether he took the notes, and he can refresh his memory and then testify to it. Why should the testimony of Ilureta taken before the District Court go before this jury in writing, any more than the tes-

363 timony of any other man? This man took it and he can testify, after refreshing his memory, that the man Ilureta testified so and so up in the District Court, and I will be satisfied with that.

Mr. Travieso: I started to ask this witness to look at his notes and see whether the questions that I was going to read to him and the answers were there, and the District Attorney said to show him the record and make it as short as possible. I knew that the best way would be to have him hunt up the notes. If the District Attorney wishes I will exhibit to him his own record and have him read the questions and answers. I don't care how it goes in.

The Court: Here is a witness that heard the witness testify in the other case, the witness now on the stand can testify to what he heard, what was said, and if he took it down in shorthand, and can testify that he took it down correctly, he can read from his shorthand notes. That is simply a way of refreshing his memory. It is not proper to use the notes written out; that is to say, it is not primary evidence. If it is objected to he must use the notes.

364 Q. Look up the testimony of Isaac Ilureta in that case.

A. I have it before me.

Q. Now see if in those notes there appears the following question: "Was that transaction made with him directly?" and give us what the answer of the witness was.

A. I have it here.

Q. Will you state what his answer was to that question?

A. "Yes. He sent them to me directly."

Q. Now what is the next question appearing after that, and the answer?

A. "Whom did he send them with?"

Q. What was the answer to that question?

A. "I suppose that he sent them with one of the employees, because when I came home I found them there."

Q. What is the next question after that, and the answer?

A. "Did you make afterwards any other transaction?" And the answer, "Yes, the same kind of a transaction."

Q. The next question and answer.

A. "Of three hundred and seventy-five?" "Yes, sir."

Q. The next question?

A. "Did you call for them?" "No, sir, he also sent them over."

Mr. Travieso: That is all as far as Ilureta is concerned.

Now the witness Manuel García testified that he had received a certain statement from the defendant Cerecedo with reference to his accounts of lottery tickets, and I cross-examined him as to a statement made by him at the trial of the case against Manuel Cerecedo in the District Court, and he said that he did not remember
365 having made that statement. Now I want to show by the stenographer what he testified with reference to the receipt of that statement.

Mr. Landers: If a man testified that he did not remember, I don't see how you are going to impeach him unless you are going to show that his statement was false.

The Court: As I understand it, this witness did make a positive statement on the stand here, and you asked him whether he made a contrary statement on another occasion, and he testified that he did not remember having made that statement.

Mr. Travieso: Yes. Now I want to show that he said in the District Court that he did not remember having seen any such paper.

Mr. Landers: I object to this defense on the ground that the proper foundation was not laid. The matters must be specifically called to his attention in order to lay the foundation for an impeachment.

The testimony given by the witness Manuel García while on the stand was read by the stenographer.

Mr. Landers: I submit that there is no proper foundation laid there. The time and the parties present and the occasion must be specifically brought to the witness' attention.

366 The Court: What is it you want to show, Mr. Travieso?

Mr. Travieso: This man testified in the other court, in the District Court, in answer to a question from the Fiscal when they showed him the same document that was shown him this morning, he testified positively that he did not remember having received any such paper, and now this morning he testified that he had received that paper from Mr. Cerecedo, and now the two statements are inconsistent,—on one occasion he says that he did not remember, and now he states that he did remember. At a later date he now remembers having received the paper, while two or three months ago he did not. Now the fact that the witness says

that he does not remember what he testified to in the District Cou does not prevent his impeachment, because then it would be mo easy for any witness, when confronted with testimony given o another occasion, to say that he did not remember what he sai before, and I think I am entitled to have this go to the Jury t test his veracity.

Mr. Landers: There is nothing in the testimony to show th the document which he showed to the witness was the same docu ment which was shown to him in the District Court.

367 Mr. Travieso: The witness admitted that it was the sam document, and at that time he did not remember, whi now he remembers.

The Court: The witness said he did not remember whethe that document was shown him or not this morning. You ma introduce the evidence. How far it goes in the way of impeach ment I cannot pass on.

Q. Do you have in your stenographic notes this question tha was asked of the witness Manuel García on the trial at the Di trict Court: "Did you ever receive a statement of account fro him?"

A. Yes; it appears in my notes.

Q. What was the answer of the witness?

A. "I don't remember".

Q. Now, further on in the testimony, see if you have the follow ing question: "Have you on any occasion received any paper simila to the one which appears in page 36?"

A. Yes; this question appears in my notes.

Q. What was the answer of the witness?

A. This question was objected to and the Court overruled th objection, and the witness answered, "I don't remember that".

Q. Read the next question and answer.

A. "Don't you remember having received that?" "No, sir."

Mr. Travieso: That is all.

Mr. Landers: No questions.

Witness withdraws.

368 Mr. Travieso: The defense rests.

The Court: Any rebuttal?

Mr. Landers: No, Your Honor, we rest.

369 *The Court's Instructions to the Jury.*

March 25, 1914.

Gentlemen of the Jury, we have now reached, so far as the publi part of the case is concerned, the end of the longest case which ha been in this court in the past year. I cannot speak of more tha one year. You have found it, as I have, I do not doubt, ver interesting, and it is a matter of considerable importance. In th first place, it is important to the defendants. If your verdict find

them guilty, it means a very serious punishment. You have nothing to do, however, with the punishment. You simply find the verdict guilty or not guilty as the case may be. It is the duty of the Court to take all the facts into account, and, if you say guilty, to proportion a proper punishment. You have nothing to do with that. It is serious therefore for the defendants. On the other hand, gentlemen, it is serious for the United States. It is a matter, I suppose I may say of public repute at least, that there has been a great deal done in the way of sale of lottery tickets in Porto Rico. If this evidence should convince you that it is due to the activity of these defendants, it would be no more than right that you should find them guilty, and by that, so far as you are concerned, do your duty to the public in putting a stop to this traffic. Of course this is subject to the question of whether you find them guilty or not.

The indictment by the grand jury is for conspiracy to violate Sec. 37 of the criminal code of the United States and is in part as follows: The Grand Jurors of the United States present that Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle and Andres Gril-
370 lasca, and divers other persons to the Grand Jurors unknown, did wilfully and maliciously conspire, combine and confederate to commit an offense against the United States, to wit, to bring and cause to be brought into the United States, to wit, the Island of Porto Rico, from a foreign country, to wit, the Republic of Santo Domingo, for the purpose of disposing of the same, papers, certificates and instruments, purporting to be or to represent a ticket, and so on, dependent in whole or in part upon chance, to wit, in the lotteries Junta de Caridad and Manicomio "Padre Ballini", Republic of Santo Domingo, in violation of Sec. 237 of the criminal code of the United States. Then it goes on and states the different details. That is the indictment for violating by conspiracy Sec. 37 of the penal code of the United States.

That section reads: "If two or more persons conspire to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, such of the parties to such conspiracy shall be fined," etc., as the court may determine.

That is the conspiracy statute. Now the offense which they are alleged to have conspired to commit is found in Sec. 237 of the same code, and is as follows: "Whoever shall bring or cause to be brought into the United States, or any place subject to the jurisdiction thereof, from any foreign country, for the purpose of disposing of the same, any paper, certificate or instrument purporting to be or to represent a ticket, chance, share or interest in or dependent upon the event of a lottery, gift enterprise or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any ad-
371 vertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme," etc., shall be punished in a certain way. So that is the offense with which these defendants are charged, that of conspiring

to bring within Porto Rico from Santo Domingo certain lotter tickets, papers connected with a lottery.

Now there is this division between your functions and mine. You and I make up the court. I have no higher duty than you have Your duty is just as absolute as mine and there is no choice between them at all. You are members of the court for a few days while I am for a few years, but the point is the same. You are just as much the United States Court as I am. You decide matters of fact; I decide questions of law. That is the difference between us. You can see that every criminal charge must involve two things; the definition of the crime which is given in the law and facts which do or do not connect the defendants with the commission of that crime. That is the reason for the division of the function. I tell you what are the elements making up the crime and you find on the evidence whether there are facts which show that the defendants have committed this crime or not.

The crime of conspiracy is an old one. It has been defined in this way. We find it in Vol. 8 of what is called Cyc., page 620. "It has been said that there is perhaps no crime, the exact definition of which it is more difficult to give than the offense of conspiracy. The essentials of a conspiracy, whether viewed with regard to its importance in a criminal prosecution or its significance in a civil action for damages, are commonly described in this general language: It is a combination between two or more persons to do a criminal or an unlawful act or a lawful act by criminal or unlawful means. This definition perhaps is not perfectly accurate, but is sufficient as a general description of the offense. To con-
372 stitute a conspiracy there must be a combination of two or more persons; one person cannot conspire with himself. To constitute a conspiracy there must be unity of design and purpose for the common design is of the essence of the conspiracy. The mere knowledge, acquiescence or approval of the act, without co-operation or agreement to cooperate, is not enough to constitute one a party to a conspiracy. There must be intentional participation in the transaction with a view to the furtherance of the common design and purpose. No formal agreement between the parties to do the act charged is necessary. It is sufficient that the minds of the parties meet understandingly so as to bring about an intelligent and deliberate agreement to do the acts and commit the offense charged, although such agreement be not manifested by any formal words. If two persons pursue by their acts the same object often by the same means, one performing one part of the act and the other another part of the act, so as to complete it with a view to the attaining of the object which they were pursuing this will be sufficient to constitute a conspiracy. Previous acquaintance is unnecessary, and it is not essential that each conspirator should know the exact part to be performed by the other conspirators in execution of the conspiracy."

So the charge before you is of conspiracy under that definition. Before taking up the law especially applicable to conspiracy, let me as I usually do, give you some directions that would apply to almost

every criminal case, and because they apply to every criminal case, they apply to this one too.

There is to start with, a presumption of innocence which is invoked by the defendants very properly, that is to say, the American and English courts, and possibly any courts on the Continent
373 of Europe, presume that a man is innocent until he is proved guilty. Now that does not mean that he is presumed innocent all the time. It simply means that at the beginning he is presumed innocent until enough facts are adduced to prove him guilty.

There is also another principle properly invoked in this case and every other case, that a higher measure of proof is required in a criminal case than in a civil case. In a civil case where it is a matter of dollars and cents, where it cannot be anything except a matter of dollars and cents or the equivalent of it, the law permits a jury or a court to decide according to a preponderance of the evidence. That is to say, if there is a good deal of evidence on one side and a good deal on the other, but one side has a little preponderance over the other, the court would find that way, that is, a little bit would be sufficient. In a criminal case the American law is much more tender towards those who are accused of crime and it says that you cannot find a man guilty unless you are convinced beyond a reasonable doubt by the evidence in the case. That does not mean that the burden of proof is on the prosecution to satisfy the jury of the truth of the charge against the person accused in absolute certainty, however. That is not required in any trial. A greater degree of mental conviction is required in criminal cases than in civil cases. The degree of satisfaction and certainty required is not absolute conviction or certainty but the evidence must produce such effect upon the minds of the jury that, after its consideration, they can, in view of their oaths to try him impartially, have no reasonable doubt of the guilt of the party accused. By reasonable doubt is not meant a strained or whimsical conjecture or a guess, but an actual mental hesitation, caused either by insufficient
374 evidence or unsatisfactory evidence. That is the meaning, as far as we can define it, of reasonable doubt.

The matter of proof in any case, of course, is developed in one of two or three ways; either by witnesses on the stand who tell what they saw or what they heard as the case may be, or by deposition, although depositions are not used in criminal cases, or by papers. And when it comes to papers, letters, books and what not, such as we have a great mass of in this case, it is not the concern of the jury how those are obtained. It seems that these were obtained in most part by searches of the store and houses of two of the defendants. That does not concern the jury at all. It is what is proved by the papers themselves that is for you. It is for the Court to pass upon the competency of the evidence, that is to say, whether it is admissible, and the Court has passed upon it, and that is not for you one way or the other. The only question for you to consider about these papers is, do they or do they not prove the accusation in this case? If they do, you will weigh them for whatever they are worth.

If they do not, of course you will disregard them, but all these papers that you see before you are in the case and are to be considered by you. I do not mean that you have to take them now one by one and go over them. You may be satisfied by the presentation of them made to you, but the case hangs upon these papers and you are to satisfy yourselves one way or the other about them. The same is true, for instance, as to telegrams. Telegrams, like the mail, are private, and when you send a telegram, it is true that that is private. Nobody else can see that telegram. There is one exception to that, however, and one exception that must obtain in every civilized country. It is this, that there must be some authority that is
375 above everything else and that authority in this case is the United States Government, or rather, under the United States Government, is this court of which you make up a part. The Judge as representing the law part of the court has the right in any case where it becomes important to the issue in the case, to issue what is called a subpœna duces tecum on a telegraph company or anybody else to produce papers in its charge, and the company must produce them. Whether they apply to the case being tried, of course, is another matter. They may or may not apply, but when once brought, they are evidence before the jury and the jury must regard them just the same as if they had been voluntarily produced by anybody else. In other words, the matter of source there again is not material so far as you are concerned.

There are some alleged lottery tickets in this case which have a square hole, perhaps two square holes or more, punched through them, and that is a mutilation of this evidence. It is perfectly proper for you to take that into account in measuring the weight and in deciding upon the weight of that testimony. If you think from examination of it that so much has been destroyed that you cannot tell what it is, of course you would disregard it. If, on the other hand you know by other tickets which are in evidence or by the testimony what was in those places, that was struck out or cancelled out, you may for the purpose of your own mental satisfaction restore those papers as they were. You will consider them. In other words, the mutilation of a paper by itself does not disqualify that paper as evidence. It may be so mutilated that you cannot find out what it was originally. That is one of the matters you are to decide upon. If you should find that a paper is mutilated in an important particular for some malicious purpose, that you would take into account
376 in weighing it, of course, but if your minds are satisfied with the explanation given that the part was struck out to make it no longer usable, if that is true to your satisfaction, you would regard it just the same as if it were a perfect ticket, I mean for the purpose of evidence. So you see mutilation is a relative term. It is to be taken into account but more or less according to circumstances.

Then as to a comparison of a handwriting, that figures quite largely in this case also. The Government has called as a witness an alleged expert who compared proved handwriting of one of the defendants with handwriting in other papers which are important

in the case. The United States says that comparison shows that a certain book in evidence was in the handwriting of the defendant Cerecedo. The defense on the other side says that this expert had only seven or eight letters to go by, simply the signature of the defendant Cerecedo. That there was no more to it than those three or four signatures of Shakespeare which are all we have of his handwriting and he spelled his name differently every time, and therefore that there is not much to go on in the way of expert testimony. It is for the Court to admit an expert as an expert. It is for you to decide the amount of weight you will attach to the expert. If you think that *c* and *e* and *r* and *o*, etc., are letters which occur so often in correspondence that they can be used as a basis, you will believe this expert. If, on the other hand, you think that is too small a basis to go on, you would attach very little importance to this testimony. I do not know that Sherlock Holmes has ever been mentioned as a legal authority, but still the principle is there that Sherlock Holmes probably could take two or three letters and find out all that they wanted him to find out. How far that is true in this case I do not know. There are some remarkable stories
377 told of that time, and it is for you to say whether Mr. Swartz is in that category; whether his experience and what he had to work on are sufficient to convince you that he was right. It is true too there are certain peculiarities to which he testified, which he finds the same in this book. I mention that in order that you may see that it is for you to pass upon the amount of credit to be attached to the expert. It is not for me and I do not wish to be understood as reflecting favorably or unfavorably upon it. The Court simply admits him as an expert and holds that he has risen to the rank of an expert. As to how high an expert, it is for the jury to decide.

Then there is this question in the case. There are a great many witnesses and one of them seems to be a convict and another is by his own testimony shown to be acting in connection with these defendants, and perhaps there are some others. Some are shown or claimed at least to have given different testimony on other occasions. That is all for you to pass upon. If a witness is impeached by his character or by his conduct or by contrary assertions or statements in another case. it would be for you to say how much credibility you would attach to his statements, but recollect this, that you are not bound even in such cases to disregard the witness' testimony altogether. You may regard it as of less value. You may in a proper case, if you think that he has been so impeached, decide that it is not worth thinking about his testimony at all. You may disregard it but you are not lightly to do that. It is the duty of the jury to take all the circumstances of all the witnesses into account and to reconcile them if you can. A man is not lightly to be said to be a liar. If you stop one moment to think of it, that is in one
378 sense the worst crime that can be committed, not only in the decalogue but in human life, to lie. For this reason, if you cannot believe a person, that may be the end of your reliance upon him in any way, when you want to do business with him or anything

else. So you are not to say very readily offhand that that man lied. You are to consider it and see if it is not a mistake rather than a lie, and, even if he is lying as to one thing, it is quite possible that he may be telling the truth in something else and that may furnish a link in a chain of evidence. That is a matter for you to determine. I simply call your attention to it.

There is this to be recollected, that you cannot expect a case of conspiracy to commit a crime to be testified to in all respects by the leading members of the community, by the citizens having the highest rank in the community. You would hardly expect this case, for instance, to be proved by the testimony of Bishop Jones, Mr. Odell and others who stand high in the community. The people of that character are not those who deal in lottery tickets; are not those who have much to do with crime. So if some witnesses are not men of the highest rank, that would not be an unnatural situation. If they were dealing with lottery tickets knowing it was against the law, you can see that right there there is some imputation upon them. So that it is not a question of throwing out all testimony because a person may not be of the highest rank socially or as to his purity in any respect.

It is for you gentlemen to recollect that you have a serious matter before you, a serious duty before you. We cannot help the testimony as it comes to us. Here it is. It is all in this case and as fully as you are likely to have it in any case that will ever be pre-
379 sented to you, and it is for you to decide upon all the circumstances and all the testimony which you have heard and all the facts in evidence, what is the truth of this matter and act up to what your conclusion of the truth is without fear or favor. So much then for the kinds of evidence and the kinds of testimony that are in this case.

As to an accomplice, if there should be one who is an accomplice, who is doing part of this same conspiracy, there is this to be said about him. He is not to be believed alone. Not that the law throws any discredit upon him, but from the fact that he already has been engaged in the same thing, it is not regarded by the law as public policy to allow the other man to be convicted upon his testimony alone. So that if there is a witness in this case of that character, if Sanchez, I believe it is, should be regarded by you as being a helper in carrying out this joint conspiracy, you would not take his testimony alone, but if corroborated by other circumstances or by other witnesses, it becomes of value in making up one of the links of the case.

So much then for the general principles that you are to consider. The competency of the evidence, the question of allowing this evidence, is for the Court. If the Court has made any mistake, the defendant in the proper way has his remedy. That is no concern of yours whatever, but your concern is with the credibility or weight to be attached to these different pieces of evidence.

Now coming to this special case, this, as we have seen, is a charge of conspiracy to bring lottery tickets into the United States or Porto Rico for purposes of sale. Conspiracy used to form a very well

known and very much used part of the law in the old days and the gist of the offense was regarded as the conspiring, two or more people getting together out in the woods or in secret and
380 agreeing to do something. That was regarded as the gist of the offense. That is no longer so. Under Sec. 37, I think it is, of the United States Penal Code, or Sec. 5440 of the Revised Statutes of the United States that is changed. Hyde v. The United States, 225 U. S. 347. It is no longer simply the conspiracy. If that was so, the fact that certain of these defendants signed an agreement over in Santo Domingo, by which one was to furnish and the other was to take tickets and bring them over here, if that is to your mind properly proved, it would have been all that was needed to be shown in the case. That would be in itself a conspiracy to do something, but that is not so now. There are two things necessary. There must be a conspiracy and there must be some overt act, overt act is the technical word, carrying out the conspiracy. So those two things must coincide. There must be this agreement, this contract, if that be properly proven, on the one side, and there must be some act carrying out that agreement. It is only fair to call your attention to this fact. It has been decided time and again, and nowhere better perhaps than in a New York case, that conspirators generally do not go out in the middle of the road and make their arrangements and carry out their arrangements. It would not be much of a conspiracy if they did. That would be more like a public meeting. So you are not to expect in this case or any case of conspiracy, or any case of the violation of a crime, unless it be one man shooting another in anger, the act to be public. It must be done in secrecy and the evidence in such cases will be mainly circumstantial. One fact may prove very little and it is for you to take all of the facts together and say whether together they amount to conviction. Proof of a com-
381 bination such as is charged in the indictment must almost always be extracted from the circumstances connected with the transaction which forms the subject of the accusation. In the history of criminal administration, the case is rarely found in which direct and positive evidence of criminal combination exists. To hold that nothing short of such proof is sufficient to establish a conspiracy would be to give immunity to one of the most dangerous crimes which infest society. Hence, in order to discover conspirators, we are forced to follow them through all the devious windings in which the natural anxiety of avoiding detection teaches men so circumstanced to envelop themselves, and to trace their movements from the slight, but often unerring, marks of progress which the most adroit cunning cannot so effectively obliterate as to render them unappreciable to the eye of the sagacious investigator. It is from the circumstances attending a criminal, or a series of criminal acts, that we are able to become satisfied that they have been the results not merely of individual, but the products of concerted and associated action, which, if considered separately, might seem to proceed exclusively from the immediate agents to them, but which may be so linked together by circumstances, in themselves slight, as to leave the mind fully satisfied that these apparently isolated acts are truly

parts of a common whole; that they have sprung from a common object, and have in view a common end. The adequacy of the evidence in prosecutions for a criminal conspiracy to prove the existence of such a conspiracy, like other questions of the weight of evidence, is a question for the jury. That is from a very eminent law book, 2nd Wharton's Criminal Law, Sec. 1665.

382 From the very nature of the crime of conspiracy, it is almost invariably secret in its origin. Naturally every precaution is taken when several deliberately unite to commit a crime so injurious to the public welfare. It is rarely, therefore, the case that there is an actual witness to the unlawful combination itself or to the circumstances attending its origin. It is peculiarly therefore a crime where the evidence of motive and circumstances are available as indicating the animating cause of the unlawful combination and the unlawful agreement itself. It is not required, therefore, that the conspiracy or the act of conspiring need be proved by direct testimony. It is indeed competent to show the conspiracy by showing disconnected overt acts where the proof also shows that the conspirators were other than together or acted through a common medium and had a common interest in promoting the object of the conspiracy. A common design is the essence of the charge of conspiracy, and this made to appear when the parties steadily pursue the same object when acting separately or together by common or different means, all leading to the same unlawful result. When they do so act with a common and unlawful design, the principle on which the acts and declaration of other conspirators, and acts done at different times, are admitted in evidence against the persons prosecuted, is that by the act of conspiring together the conspirators have jointly assumed to themselves as a body the attribute of individuality, so far as regards the prosecution of the common design; thus rendering whatever is done or said by one in furtherance of that design a part of the res gestæ, and therefore the act of all. That is found in 2nd Wharton's Criminal Law, Sec. 1665; also a New York case, Jones v. Baker, 7 Cow. 445.

383 Proof of conspiring may be inferred from circumstances and the concurring conduct of the defendants and said conspiracy need not be directly proved. You are charged that any joint action on a material point or a collation of independent cooperative acts, by persons closely associated with each other is sufficient for you to infer concurrence of sentiment; and one competent witness not an accomplice will suffice to prove the cooperation of any individual conspirator. If, therefore, you find from the evidence in this case beyond a reasonable doubt that two or more persons, acting in concert, are apparently pursuing the same object, often by the same means, one performing part of the act, and the other completing it, for the attainment of the object, then you may draw the conclusion that there is a conspiracy.

What is the nature or the character of the proof necessary to support a charge of conspiracy? The first cardinal rule of evidence to which it is my duty to call your attention on this subject is this: Where evidence showing the existence of the conspiracy is submitted

to the jury, the acts of other conspirators may in all cases be given in evidence against each other, if these acts were done in pursuance of the common illegal object. It is also true that letters written and declarations made by other conspirators are admissible if they are among the things done in pursuance of the conspiracy. It is also true that declarations of the conspirators may be considered a part of the res gestæ,—that is, part of the things done in pursuance of the conspiracy,—although they may not be precisely concurrent with the act under trial. It is enough if they spring from it and are made under circumstances which preclude the opportunity or idea of a fictitious device or afterthought. It is also true that, while the declarations of co-conspirators made after the enterprise is
384 ended are not admissible against each other, yet, if they are made during the enterprise, in pursuance of, and tending to the accomplishment of the object for which the conspiracy was made and overt acts were performed, they are admissible.

The fact that one of the conspirators was a servant or employee of another conspirator does not preclude there being a conspiracy between them; and until there is an affirmative withdrawal from the conspiracy by the servant, his acts bind his employer and co-conspirator. That is found in Hyde v. The United States, 225 U. S. 348.

It is not necessary that the conspirators should meet together in order to constitute the unlawful combination. If they have a mutual understanding, and act through one or more individuals, as a consequence of such mutual understanding, the conspiracy may be complete and the declarations of the co-conspirators, made while the criminal enterprise was pending, are admissible against each other. It is indeed not necessary that all the conspirators should be acquainted with each other. If they conspire to accomplish the illegal purpose through one common acquaintance or go-between, the conspiracy may be complete and in that event the act of one conspirator is the act of all. As conspiracy is a joint offense, you will understand, that, if several persons jointly conspire to commit a crime, as each man is acting through all the others, or as all are acting equally through one, the degree of guilt is equal,—the guilt is equally distributed,—and each man is not only charged with all the guilt, but the law declares that the act of his co-conspirator is his act. He loses his individuality and becomes identified with a crime with which, and the criminal with whom, he is associated.

385 If you find from the evidence beyond a reasonable doubt that there was an unlawful confederation or combination of two or more persons, or in other words, if you find from the evidence beyond a reasonable doubt that there was a conspiracy to accomplish an illegal purpose entered into by the defendants Manuel Cerecedo, Jacinto Y. Mañon, Carlos Valle and Andres Grillasca, as alleged in the indictment, then I charge you that the act of one of the conspirators is the act of all.

Where several persons are proved to have combined together for the same illegal purpose, any act done by one of the parties, in pursuance of the original concerted plan, and with reference to the

common object, is, in the contemplation of law, the act of the whole party, and therefore the proof of such act will be evidence against any of the others who were engaged in the same conspiracy.

Any declarations made by one of the parties during the pendency of the illegal enterprise is not only evidence against himself but is evidence against the rest of the parties, who, when the combination is proven, are as much responsible as if they had done the act themselves.

Importation of lottery tickets into the United States from a foreign country is prohibited under Sec. 237 of the Penal Code of the United States, which I have read to you.

If, therefore, you believe from the evidence beyond a reasonable doubt that the defendants herein conspired, confederated and agreed among themselves or together to bring or cause to be brought into the United States or any place subject to the jurisdiction thereof from any foreign country, for the purpose of disposing of the same, any paper, ticket, etc., representing a share in a lottery, dependent
in whole or in part upon lot or chance, it is an unlawful
386 agreement and the doing of the act is made an offense by
the laws of the United States. That is from United States v. Lyman, 190 Fed. Rep. 414.

So you see that the evidence in this case you must expect to be circumstantial. Of course the other side is equally true. Circumstances must not be distorted out of their usual and proper meaning to make a proper case against anyone. Nothing could be more abhorrent against civilization, especially of the United States, than any forced construction of the facts to make a man guilty when he is not guilty. But in regard to this particular offense, it is nevertheless true that circumstances are what must necessarily be relied upon, and secrecy.

If there had been a conspiracy to bring lottery tickets into Porto Rico, among the things which might be supposed to be necessary, one of the things not unexpected, would be the fact that the conspirators agreed, acting one in one place and another in another, upon a code of signals of some kind. That in their correspondence they would use words which were understood by themselves, and, if the papers fell into public hands, could not be correctly construed. They would call a lottery ticket a handkerchief or a product or a cross-tie or anything else. That would be perfectly natural; if people are combining to break the law, they are not going to do it except in a secret way which they would understand and the public would not understand. And if they are going to conspire to bring such things into a Spanish speaking country and they did not want to use the name of that country, it might not be unnatural to speak of it as Spanish territory, and similar things would be only what you would expect if this case is what is alleged by the Government.

That from that you must draw the necessary result of guilt
387 I do not say, but I do say that the circumstances and the
secrecy would indicate just that line of conduct.

Suppose that there was such a conspiracy to bring Santo Domingo lottery tickets into Porto Rico, there would be in the way of over

acts, the agreement to start with. That might be here or it might be in Santo Domingo. but there would be the agreement. and then there would have to be some overt acts. There might be evidence of those overt acts in three places, but there would be something done in Santo Domingo, and it is for you to say whether the evidence convinces you that certain of these parties signed a contract in Santo Domingo by which one defendant, Mañon, was to furnish the tickets and another, Cerecedo, was to dispose of them in Porto Rico. There is a paper in evidence purporting to be to that effect. That paper has been admitted. If it seems to you to be true, there would be the first element of conspiracy. There would be the intent and the signing of the paper. But tickets supplied in Santo Domingo would have to be brought in a vessel. There is no railroad from here to Santo Domingo and there is no flying machine yet. So if there was such a conspiracy, the tickets would have to be taken on board of a vessel. It is for you to say whether the evidence in this case satisfies you that there was a vessel. One of the defendants, Carlos Valle, seems to be shown to have acted as the captain of a small seven ton sloop, the Vencedor, and if he took tickets on board with the intention of bringing them over here, that would be his part in the conspiracy. That would make him as much guilty as if he had performed any of the other parts, under the authorities which I have cited to you. But the tickets would not only have to come by sea, something would have to be done with them over here. They would have to be landed here and would have
388 to be disposed of here. So that if you are satisfied from the evidence that the tickets were brought over here and landed secretly by night and delivered to some party in shallow water in no regular port, that would be a circumstance which you would naturally expect in a case of this sort. The next thing would be the disposition of them here and there would be some sale provided for here, and it is for you to say whether the evidence in this case convinces you beyond a reasonable doubt that the defendant Cerecedo superintended the sale or distribution and sale of tickets here. And in that connection I can call your attention to the fact that is in the case and its weight is for you to pass upon. If there is evidence in the case of a direct sale by the defendant Cerecedo to any party, the Court charges you that that can be taken as evidence of this conspiracy, in furtherance of this conspiracy, an overt act in this conspiracy. It is just what would be expected if there had been tickets brought into the Island for purposes of sale. If there are letters to and from Cerecedo containing accounts or containing agreements to buy or recommendations as to sales, that would be an element to be taken into account also. If the letters and cables contain secret words that is something which is just what would be expected in the course of such a secret proceeding as is alleged. If you find that there were salesmen employed to distribute tickets around the Island, that may be looked at as another evidence of carrying out this conspiracy. If you find that there are books in evidence, in which Cerecedo or any other defendant kept accounts of sales of tickets to different people, what he sold to them and what he got back from

them, that would be evidence which you could and should take into account, if you believe that they are proved to be in the handwriting of the defendant.

389 I think I have gone over the elements of the case. You are to recollect this, that even in a haul made by the police, it is not to be expected that everything will be brought into court. It is too much to ask in any case that every element making up the transaction should be brought before the jury. It is for you to say simply whether enough has been brought before you to convince you that there was this conspiracy in Santo Domingo to bring lottery tickets over here for sale. If there are defects in certain elements of it, some things have not been shown you, but if, on the other hand, enough is shown you to produce a conviction beyond a reasonable doubt, then you would have to find for the Government.

In this case, of course it is hardly necessary to state,—the same is true in every criminal case—that you are not to take into account at all any question of sympathy. If the defendants are guilty, they are guilty, that is all there is to it. It is a matter which they should have considered before they went into the business. If they are innocent, they are innocent and sympathy has nothing to do with either horn of the dilemma. It is one or the other and you are not to allow your sympathies to play any part on one side or the other. Your sympathy with the Government to see a great evil stamped out should not lead you to infer anything against the defendants, nor should anything connected with the defendants' families have anything to do with it. That you leave at your own homes when you take your departure from them. That does not matter in the court at all. The question simply is, are these defendants guilty or are they not guilty?

You will take with you to your room all the written evidence, but I want to ask you to be very careful with it, particularly

390 the alleged lottery tickets. There is a great mass of them and if you pull them apart and scatter them and they get blown away, it would not be a very good thing. They may be needed on other occasions. At all events that is not the way to treat evidence in any case. Examine them all you want to but do not allow them to get scattered about.

In this case, gentlemen, I am going to ask you to agree upon a verdict if it is possible. The case has taken so long that you can readily see that the Court desires an agreement upon a verdict one way or the other.

Are there any exceptions on either side.

The District Attorney: I am satisfied.

Mr. Travieso: No, Your Honor.

You will retire now, gentlemen, in the charge of the Marshal. Two forms of verdict will be given you. If you find for the Government, your Foreman, whom you will select, will sign and return this form of verdict: "We, the jury, duly impanelled and sworn upon the trial of the above entitled case, find the defendants Manuel Cerecedo, Andres Grillasca and Carlos Valle guilty of the crime of conspiracy as charged in the indictment." You observe that the

name of Mañon is not in this verdict. He has not been arrested and so is not on trial. And I may add that you may find upon the evidence any two defendants guilty. You could not just find one guilty unless in connection with Mañon, but Mañon being in the case, yes, you could find any one or more of the defendants guilty. I do not mean that you should not find them all so if they are all guilty, but that is possible. If you should be convinced as to one and not as to the others, you should return a verdict of guilty as to him. On the other hand, if you find for the defendants,
391 the form will be: "We, the jury, find the defendants not guilty. You will now retire in charge of the Marshal and consider your verdict.

392 *Stenographer's Certificate.*

I, Arthur J. Harvey, Official Stenographer of the District Court of the United States for Porto Rico, hereby certify that the foregoing document, consisting of three hundred and ninety-one typewritten pages, is a true and correct transcript of all the oral testimony given upon the trial of the case of The United States v. Manuel Cerecedo et al., which was tried in the above entitled court in the month of March, 1914; I further certify that I reported the said testimony at the time of said trial in shorthand and that the foregoing transcript was made in part by me from my shorthand notes and that the balance thereof was dictated to two other stenographers and the transcript made by them was thereafter compared by me with my original shorthand notes taken at the time of the trial.

ARTHUR J. HARVEY,
Official Stenographer of the District Court of the United States for Porto Rico.

Endorsed on cover: File No. 24,441. Porto Rico D. C. U. S. Term No. 285. Manuel Cerecedo, Andrés Grillasca, and Carlos Valle, plaintiffs in error, vs. The United States. Filed November 17th, 1914. File No. 24,441.

In the Supreme Court of the United States.

OCTOBER TERM, 1914.

MANUEL CERECEDO, ANDRES GRILLASCA, and Carlos Valle, plaintiffs in error,
v.
THE UNITED STATES.
No. 697.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR PORTO RICO.

MOTION BY THE UNITED STATES TO ADVANCE.

Comes now the Solicitor General, and, in accordance with the provisions of section 3, rule 26, moves the court to advance the above-entitled cause for hearing on a day convenient to the court.

Plaintiffs in error were tried before a jury in the District Court of the United States for Porto Rico on an indictment charging them and others with conspiracy to commit an offense against the United States, to wit, the bringing into the United States from a foreign country, to wit, into the island of Porto Rico, from the Republic of Santo Domingo, sundry papers, certificates, etc., purporting to be and to represent tickets, shares, chances, and interest

in certain lotteries to be held at various times under the supervision of the Government of Santo Domingo, for the purpose of disposing of the same, in violation of section 237 of the Criminal Code of the United States.

Prior to the beginning of the trial, counsel for plaintiff in error Cerecedo made written application to the United States attorney for the return of papers in the possession of said attorney on the ground that they had been seized in violation of rights guaranteed Cerecedo by the Fourth Amendment, and further that the search warrant under which said papers were seized was illegal and void.

At various stages of the trial when attempts were made by counsel for the Government to introduce in evidence not only the papers seized of Cerecedo, but of plaintiff in error Valle, objections to their introduction were made by counsel for plaintiffs in error, who also made motions for orders of the court directing the return of these papers to plaintiffs in error on the same ground contained in the application filed by Cerecedo prior to the commencement of the trial. The objections were overruled and motions denied by the District Court.

Plaintiffs in error were found guilty. Cerecedo was sentenced to two years in the penitentiary and to pay a fine of $10,000, and is now at large on $20,000 bail. Grillasca was sentenced to one year in the penitentiary and to pay a fine of $1,000, and is now at large on $3,000 bail. Valle was sentenced

to one year in the penitentiary and to pay a fine of $500, and is now at large on $2,500 bail.

In order to insure the prompt enforcement of the criminal statutes, it is submitted that the case should have an early hearing.

Notice of this motion has been served on opposing counsel.

JOHN W. DAVIS,
Solicitor General.

MARCH, 1915.

O

Office Supreme Court, U. S.
FILED
MAR 22 1915
JAMES D. MAHER
CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1914.

No. 285

MANUEL CERECEDO, ANDRES GRILLASCA AND CARLOS VALLE, PLAINTIFFS IN ERROR,

vs.

THE UNITED STATES.

AFFIDAVIT IN OPPOSITION TO MOTION TO ADVANCE.

STATE AND COUNTY OF NEW YORK,
Southern District of New York, ss:

Howard Thayer Kingsbury, being duly sworn, says:

I am of counsel for the plaintiffs in error herein and am familiar with the proceedings in this cause.

On March 15, 1915, this court entered an order postponing the Government's motion to dismiss or affirm until the hearing of the case on its merits. On the following day the

attorneys for the plaintiffs in error received a telegram from the Solicitor General, reading as follows:

"WASH'N, D. C., Mar. 16, '15.

"COUDERT BROS.,
"2 *Rector St., New York:*

"Please take notice Government will submit Supreme Court Monday next, motion to advance Cerecedo case for hearing on day convenient to court. Do you concur?

"JOHN W. DAVIS,
"Solicitor General."

No other notice of motion and no motion papers have been received. On March 16, 1915, a reply was sent to the Solicitor General and a copy thereof forwarded to the clerk of this court. On March 18 a letter was received by the attorneys for the plaintiffs in error from the Solicitor General, reading as follows:

> "I beg to acknowledge your letter of March 16 with reference to the Cerecedo case. I regret that you do not see fit to concur in the proposed motion to advance."

Counsel for plaintiffs in error do not object to the case being advanced and set for hearing some time in the early part of the October, 1915, term. They do object to an advancement to any earlier date. The record is very voluminous and has not yet been printed. Counsel for the plaintiffs in error have not yet received even the usual estimate of the cost of such printing prepared by the clerk. On account of the residence of plaintiffs in error in Porto Rico, it will take some little time to obtain and forward the necessary funds

after the estimate of the cost of printing shall have been furnished. It is manifestly impracticable to have the record printed in time to allow a proper preparation of the brief and argument for plaintiffs in error before the adjournment of the court for the present term.

It is, therefore, respectfully prayed that the motion to advance be denied, or, if granted, that the cause be set down for some date not earlier than October, 1915.

HOWARD THAYER KINGSBURY.

Subscribed and sworn to before me this 20th day of March, 1915.

[NOTARIAL SEAL.] CHAS. A. CONLON,
Notary Public, No. 574, New York Co.

[Endorsed:] 697/24,441. In the Supreme Court of the United States, October term, 1914. Manuel Cerecedo and others, plaintiffs in error, *vs.* The United States. Orig. Affidavit in opposition to motion to advance. Paul Fuller, Howard Thayer Kingsbury, counsel for pl'ffs in error, 2 Rector street, Borough of Manhattan, New York.

[Endorsed:] File No. 24,441. Supreme Court U. S., October term, 1914. Term No. 697. Manuel Cerecedo et al., pl'ffs in error, *vs.* The United States. Affidavit in opposition to motion to advance. Filed March 22, 1915.

In the Supreme Court of the United States.

OCTOBER TERM, 1914

MANUEL CERECEDO, ANDRES GRILLASCA AND Carlos Valle, plaintiffs in error,
v.
THE UNITED STATES.
No. 697.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR PORTO RICO.

MOTION BY THE UNITED STATES TO DISMISS OR AFFIRM, AND BRIEF IN SUPPORT THEREOF.

Comes now the Solicitor General and moves the court to dismiss or affirm the above-entitled cause.

STATEMENT.

Plaintiffs in error were tried before a jury in the District Court of the United States for Porto Rico on an indictment charging them and others with conspiracy to commit an offense against the United States, to wit, the bringing into the United States from a foreign country, to wit, into the Island of Porto Rico from the Republic of Santo Domingo, sundry papers, certificates, etc., purport-

ing to be and to represent tickets, shares, chances and interest in certain lotteries to be held at various times under the supervision of the government of Santo Domingo, for the purpose of disposing of the same, in violation of section 237 of the Criminal Code of the United States.

They were found guilty. Cerecedo was sentenced to two years in the penitentiary and to pay a fine of $10,000; and is now at large on $20,000 bail. Grillasca was sentenced to one year in the penitentiary and to pay a fine of $1,000, and is now at large on $3,000 bail. Valle was sentenced to one year in the penitentiary and to pay a fine of $500, and is now at large on $2,500 bail.

The facts and proceedings leading to the prosecution of plaintiffs in error by the Federal Government are as follows:

Articles 293 and 294 of the Penal Code of Porto Rico provide that every person who sells, etc., and every person who aids or assists, etc., in selling or disposing of any ticket, etc., in a lottery, shall be guilty of a misdemeanor, and another section of the Penal Code prescribes the punishment to be imposed upon conviction of a misdemeanor.

On September 16, 1913, Walter M. St. Elmo, Chief of the Secret Service Bureau of the Insular Police, made an affidavit before the municipal judge of San Juan, Porto Rico, to the effect that Manuel Cerecedo was introducing into the city of San Juan lottery tickets for the purpose of offering the same for sale, and asked that a search war-

rant be issued for the search of the person or house of said Cerecedo, whereupon a search warrant was issued by the municipal judge of San Juan, directing the search of the person or house of said Cerecedo and the seizure of the lottery tickets, if any be found. The return upon the warrant shows that not only lottery tickets were found and seized, but other papers, books, etc., were taken by the officer executing the warrant.

On October 9, 1913, the said St. Elmo, in his official capacity, made an affidavit before the municipal judge of Cabo-Rojo, Porto Rico, to the effect that he had good grounds to suspect that Carlos Valle kept in his house documents and other things which showed his complicity in the violation of sections 293 and 294 of the Penal Code of Porto Rico, and asked that a search warrant be issued for the search of the house of said Valle, and the seizure of documents relative to the crime mentioned. The return upon the warrant shows that a number of telegrams, letters, etc., were taken by the officer executing the warrant.

Copies of these warrants and the returns thereon, together with copies of the affidavits filed before the respective judges issuing the same, and of the provisions of the Porto Rican code of criminal procedure governing the issuance of search warrants, are filed as appendices to this motion.

Although the record does not expressly set forth the fact, it is evident therefrom that all of the papers seized in the execution of these warrants

were turned over to the United States Attorney for Porto Rico to be used in connection with the prosecution of plaintiffs in error on the conspiracy charge, which is an offense against section 37 of the Criminal Code of the United States.

The indictment against plaintiffs in error was filed on December 5, 1913.

On March 16, 1914, the date on which trial of plaintiffs in error began, and just prior to the beginning of the trial, counsel for plaintiff in error Cerecedo delivered a commuication to the United States Attorney, which was in the following language:

> MARCH 16, 1914.
>
> The Honorable the UNITED STATES ATTORNEY,
>
> *San Juan, P. R.*
>
> SIR:—On behalf of and as attorney for Manuel Cerecedo, one of the defendants in the case of *The United States* v. *Manuel Cerecedo,* et al, for an alleged violation of section 37 of the United States Criminal Code, I hereby request you to deliver to me any and all papers now in your possession, belonging to the said Manuel Cerecedo, and which were taken from his home or establishment by one Walter M. St. Elmo, a detective, under and by virtue of a search warrant issued by the municipal court of San Juan, on or about the 16th day of September, 1913.
>
> The grounds for my request are, that the taking of all such documents, correspond-

ence, books of account, and other papers from the possession of the defendant, without his consent and for the purpose of being used against him as evidence, constitute a violation of his constitutional rights guaranteed by the Fourth Amendment of the Constitution of the United States; and, further, that the search warrant issued for the purpose of securing evidence against the said Cerecedo was illegal and void.

Very respectfully,

Counsel for defendant Manuel Cerecedo.

After the trial had begun and during the taking of testimony and the introduction of evidence by the Government, counsel for plaintiffs in error objected to the introduction of an exhibit ("C") offered by the Government, and made a motion for an order directing the United States Attorney to deliver to him such exhibit on the ground that it had been seized in the premises of plaintiff in error Cerecedo without authority, under an illegal warrant and in violation of the rights guaranteed to said Cerecedo by the Fourth and Fifth Amendments to the Constitution of the United States. The motion was denied, the court suggesting that it would have been glad to entertain such motion by petition and inspect and hear it at any other time than upon the trial.

Upon the introduction of other papers seized and taken from the premises and person of plain-

tiff in error Cerecedo, and from the premises of plaintiff in error Valle, their counsel objected on the same ground urged upon the introduction of Exhibit "C," hereinbefore referred to, and motions were made for orders of the court directing the return of these papers to plaintiffs in error, all of which objections were overruled and motions denied. Among the papers retained and put in evidence were lottery tickets, books of account, telegrams, letters, manifests, etc.

On March 25, 1914, plaintiffs in error were found guilty and sentenced.

On April 3, 1914, petition for writ of error and assignment of errors were filed, and allowed, and writ of error issued.

On April 18, 1914, counsel for plaintiffs in error presented a motion in open court asking for an order of the court accepting a "supplemental assignment of errors," because of the fact that it was a physical impossibility to obtain a transcript of the record from the stenographer in time to prepare therefrom an assignment of errors, and counsel had been compelled to prepare the assignment filed from memory. This motion was sworn to before the clerk of the District Court and accompanied by an affidavit of the official stenographer to the effect that he was unable to complete the transcript of record prior to April 18, 1914, on which date he was able to deliver the last 100 pages to counsel for plaintiffs in error.

This motion was denied by the District Court on July 23, 1914.

On May 2, 1914, counsel for plaintiffs in error filed a petition in the District Court, praying for an order extending the time within which to sign, allow, and file the bill of exceptions in this cause, upon the following grounds:

> 1. That said defendants on the 25th day of March, 1914, were found guilty and convicted of the alleged crime of conspiracy, and sentenced by the honorable court, which said sentence was recorded in the records of the court.
>
> 2. That according to law the bill of exceptions must be signed, allowed, and filed within the time on which the sentence was imposed and the judgment entered in the records of this court, but said defendants, by their attorneys have been unable to file the bill of exceptions hereinbefore mentioned, for the reasons that the judgment of this court, as hereinbefore stated was entered at the end of the October, 1913, term of court, and that the April, 1914, term of this court, according to law, began on the 2nd Monday of April, 1914, and therefore the time between the 25th day of March, 1913, to the second Monday of April, 1914, was a very short period within which these defendants could have prepared and presented to the court for its approval, the bill of exceptions hereinbefore mentioned. That extraordinary circumstances, as alleged

have deprived said defendants of filing their bill of exceptions in the above-entitled cause, and that same are well known to this court, because they constitute a matter of record herein.

3. These defendants also allege that the jury impanelled to try this cause, was a special jury called with the only purpose of trying the above-entitled cause, which fact is also well known to this court.

On the same day the court denied this motion, to which action counsel for plaintiffs in error duly excepted.

Counsel for plaintiffs in error make seven assignments of error in their original assignment, and nineteen in the supplemental assignment sought to be filed, but the only assignments requiring notice are in substance:

1. That the court erred in refusing to grant the motion of counsel for plaintiffs in error for an order directing the United States Attorney to return to plaintiffs in error the property alleged to have been seized under illegal warrants.

2. That the retention of this property and its admission in evidence against the plaintiffs in error violated their rights to be secure from unreasonable searches and seizures and to refrain from being witnesses against themselves, as guaranteed by the Fourth and Fifth Amendments.

ARGUMENT.

I.

The writ of error should be dismissed.

The writ of error should be dismissed upon the ground that the case involves no substantial constitutional question.

Under section 35 of the Porto Rican Act of April 12, 1900, 31 Stat. 77, 85, and section 244 of the Judicial Code of the United States governing writs of error and appeals to this court from the District Court of Porto Rico, this case can be brought here only on the ground of a denial of a constitutional right, as it presents no other question which would come within the provisions of the sections above referred to.

It is definitely settled that to give this court jurisdiction on a direct appeal or writ of error from the District Court on the ground of a constitutional question, "such question must be real and substantial and not a mere claim in words." *Farrell* v. *O'Brien*, 199 U. S. 89, 100; *Kaufman and Sons Co.* v. *Smith*, 216 U. S. 610; *Yeung How* v. *North*, 223 U. S. 705.

An examination of the facts in this case and the errors assigned discloses no constitutional question meeting this test. The contentions of counsel for plaintiffs in error in so far as the Fourth and Fifth Amendments to the Constitution are involved are clearly untenable. The present case presents a parallel case to that of *Adams* v. *New*

York, 192 U. S. 585, 594. In that case certain police officers were armed with a search warrant and in seizing the papers, etc., found on the premises directed to be searched, they took not only gambling paraphernalia and policy slips named in the warrant, but also certain other papers, private in character, which were received in evidence against the defendant at the trial, against his objection. In discussing the admissibility of the latter papers as evidence, this court said:

> No objection was taken at the trial to the introduction of the testimony of the officers holding the search warrant as to the seizure of the policy slips; the objection raised was to receiving in evidence certain private papers. These papers became important as tending to show the custody by the plaintiff in error, with knowledge, of the policy slips. The question was not made in the attempt to resist an unlawful seizure of the private papers of the plaintiff in error, but arose upon objection to the introduction of testimony clearly competent as tending to establish the guilt of the accused of the offense charged. In such cases the weight of authority as well as reason limits the inquiry to the competency of the proffered testimony, and the courts do not stop to inquire as to the means by which the evidence was obtained. The rule is thus laid down in Greenleaf, vol. 1, sec. 254a.
>
> "It may be mentioned in this place that though papers or other subjects of evidence may have been illegally taken from the pos-

> session of the party against whom they are offered or otherwise unlawfully obtained, this is no valid objection to their admissibility if they are pertinent to the issue. The court will not take notice how they were obtained, whether lawfully or unlawfully, nor will it form an issue to determine that question."

The doctrine that where an officer of the law is armed with a search warrant issued under proper authority of law for the search of certain premises and the seizure of certain papers therein found, the rights guranteed to a citizen under the Fourth and Fifth Amendments are not violated by the seizure of other papers not specified in the warrant or the use thereof in evidence, has been affirmed on several occasions by this court.

Adams v. *New York, supra.*
American Tobacco Co. v. *Werckmeister,* 207 U. S. 284, 302.
Hale v. *Henkel,* 201 U. S. 43.

See also:

Holt v. *United States,* 218 U. S. 245, 252.
Hardesty v. *United States,* 164 Fed. 420.
United States v. *Wilson,* 163 Fed. 338.

But counsel for plaintiffs in error, in making objection to the introduction and use in evidence of certain papers seized under and not specified in the search warrant issued for the search of the person and premises of plaintiff in error Cerecedo, rely upon the case of *Weeks* v. *United States,*

232 U. S. 383, 399, in support of his contention that the constitutional rights guaranteed to plaintiff in error Cerecedo have been violated. In this connection, it is pertinent to call to the attention of this court the language of Mr. Travieso, of counsel for plaintiffs in error, in describing the procedure he was following in raising the constitutional question involved in this case. In discussing before the court his application to the United States Attorney for the return of papers seized of Cerecedo, he said:

> I am following the proceedings in this case which were followed in the case of *United States* v. *Weeks,* which was recently decided by the Supreme Court of the United States, and the purpose of this demand is merely to show that the defendant requested the delivery of those documents that are his property and that cannot be taken from him by any search warrant issued by any court of the United States or under the protection of the Constitution of the United States.

This leads us to an examination of the *Weeks* case, and it is submitted that counsel for plaintiffs in error have misinterpreted the effect of the decision in that case. The facts therein clearly distinguish it from the instant case. There the defendants had been arrested by a police officer *without warrant.* Other officers had gone to the house of the defendant, and, being told by a neighbor where the key was kept, found it and entered the house. They searched the defendant's room

and took possession of various papers and articles found there, which were afterwards turned over to the United States Marshal. Later the police officers returned with the marshal, who thought he might find additional evidence, and being admitted by some one in the house, in response to a rap, the marshal searched the defendant's room and carried away certain letters and envelopes found in the drawer of a chiffonier. *Neither the marshal nor the police officers were armed with a search warrant.* Before the trial began, the defendant filed in the case a petition for the return of private papers, books, and other property therein specified, alleging that it was the purpose of the district attorney to use said documents at the trial.

In reversing the District Court, this court held that the Federal courts cannot, in a criminal prosecution, retain for the purposes of evidence against the accused his letters and correspondence seized in his house during his absence and without his authority by a United States Marshal *holding no warrant for his arrest or for the search of his premises.*

The feature which clearly distinguishes the *Weeks* case from the case at bar is the fact that in the *Weeks* case the search was made *without a warrant or any authority of law,* while in this case the premises of Cerecedo and Valle were searched *after the issuance of a search warrant by the municipal judges of San Juan and Cabo-Rijo, in accordance with the provisions of the Code of Crimi-*

nal Procedure of Porto Rico; and the fact that the papers were seized under a warrant of the municipal authorities has no adverse effect upon their admissibility in evidence in a prosecution by the Federal Government.

In the *Weeks* case the court discusses the *Adams* case, and it is pertinent to quote here the language of the court at pp. 394, 395:

> At the trial certain papers, which had been seized by police officers executing a search warrant for the discovery and seizure of policy slips, were offered in evidence over his objection. The conviction was affirmed by the Court of Appeals of New York (176 N. Y. 351), and the case was brought here for alleged violation of the Fourth and Fifth Amendments to the Constitution of the United States. Pretermitting the question whether these amendments applied to the action of the States, this court proceeded to examine the alleged violations of the Fourth and Fifth Amendments, and put its decision upon the ground that *the papers found in the execution of the search warrant, which warrant had a legal purpose in the attempt to find gambling paraphernalia, were competent evidence against the accused, and their offer in testimony did not violate his constitutional privilege against unlawful search or seizure, for it was held that such incriminatory documents thus discovered were not the subject of an unreasonable search and seizure, and in effect that the same were incidentally seized*

> *in the lawful execution of a warrant and not in the wrongful invasion of the home of the citizen and the unwarranted seizure of his papers and property.* It was further held, approving in that respect the doctrine laid down in 1 Greenleaf, sec. 245a, that it was no valid objection to the use of the papers that they had been thus seized, and that the courts in the course of a trial would not make an issue to determine that question and many state cases were cited supporting that doctrine. (Italics ours.)

It is submitted that the case at bar comes squarely within the decision in the *Adams* case and is not governed by the *Weeks* case, for the reason that in the latter case no warrants at all were issued, while in this case search warrants were issued according to law by the proper officials, and therefore there has been no such compulsory invasion of the premises of either Cerecedo or Valle as violated either the Fourth or the Fifth Amendment.

II.

The judgment of the District Court should be affirmed.

If the court should conclude that its jurisdiction of this writ of error is sufficiently shown by the record, then it is submitted that the judgment below should be affirmed upon the ground that the record does not disclose the presence of a bill of exceptions. It must be remembered that the application of counsel for plaintiffs in error to file a bill of exceptions in this cause was made at the term of court

subsequent to the term at which judgment was entered, but in making application counsel failed to include therewith the bill of exceptions which he desired to have approved and filed in the District Court. It is true that ordinarily a bill of exceptions must be settled before the close of the term at which judgment is entered; but it may be settled thereafter by consent of the parties given during the term, *Waldron* v. *Waldron*, 156 U. S. 361, 378, and cases cited; or by an order entered *during the term* extending the time for settlement, *Michigan Insurance Bank* v. *Eldred*, 143 U. S. 293, 398. However, no such agreement nor order is to be found in this record, nor does the record disclose any attempt on the part of counsel for plaintiffs in error to obtain such an agreement with counsel for the Government or application to the court during the term at which judgment was entered for an order extending the time of settlement of the bill of exceptions. In these circumstances, the action of the district judge in denying the application filed at a subsequent term for a bill of exceptions was correct and in accord with the practice not only of the Porto Rican District Court, but of the other district courts of the United States, and the present case, therefore, does not come within the purview of the exceptions in the cases just cited.

It has been held by this court that the rulings of the court below in admitting or rejecting evidence can be brought here only by bill of exceptions (*Suydam* v. *Williamson et al.*, 20 How.

427); also, that where there is no special verdict, agreed statement of facts or bill of exceptions, this court cannot review the judgment of the court below. *Stevens* v. *Gladding,* 19 How. 64; *Guild* v. *Frontin,* 18 How. 135. And in the absence of a bill of exceptions the judgment of the lower court will be affirmed. *Pomeroy's Lessee* v. *The State Bank of Indiana,* 1 Wall. 592; *Metropolitan Railroad Company* v. *District of Columbia,* 195 U. S. 322, 332; *Claassen* v. *United States,* 142 U. S. 140, 148; *Kinney* v. *United States Fidelity Co.,* 222 U. S. 283, 284.

III.

It is therefore submitted that either this writ of error should be dismissed or the judgment below affirmed; but should the court decline to take either action, then the case should be placed on the summary docket.

JOHN W. DAVIS,
Solicitor General.

JANUARY, 1915.

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APPENDIX "A."

(Affidavit of Walter M. St. Elmo, upon which Cerecedo search warrant issued.)

MUNICIPAL COURT OF SAN JUAN, PORTO RICO.

In the name of and by authority of the People of Porto Rico.

SWORN DECLARATION OF WALTER M. ST. ELMO.

Before me, Fernando J. Geigel, Municipal Judge of the municipal court for the municipal judicial district of San Juan, P. R., appears on this day September 16th, 1913, Walter M. St. Elmo, Chief of the Secret Service Bureau, who being first duly sworn, declares:

That the individual Manuel Cerecedo, living at No. 46 San Francisco Street is introducing in this city and carries concealed in his person lottery tickets with the deliberate purpose of offering same for sale.

That the Insular Police of San Juan, has received confidential information in that regard, and through the information of other detectives of the Insular Police, having good grounds to believe that it is true that the said Manuel Cerecedo is introducing such lottery tickets, wherefore, in order that the law may be complied with, he asks the municipal judge of San Juan, P. R., that a search warrant be issued so as to search the house and person of Manuel Cerecedo living at San Francisco Street No. 46 in this city of San Juan, for the sole purpose of confiscating said lottery tickets.

That the said search warrant is asked for the purposes of justice and without any other purpose but to enforce the law.

This petition and declaration is made on the 16th day of September, 1913, in San Juan, Puerto Rico.

WALTER M. ST. ELMO,
Affiant.

Sworn to and subscribed before me by W. M. St. Elmo, on this 16th day of September, 1913.

FERNANDO J. GEIGEL,
Municipal Judge, San Juan.

APPENDIX "B."

(Copy of Cerecedo search warrant and return thereon.)

MUNICIPAL COURT OF SAN JUAN, PORTO RICO.

In the name of and by authority of the People of Porto Rico.

SEARCH WARRANT.

Whereas on this day the 16th of September, 1913, at six o'clock a. m., the Insular policeman No. ——— of this city of San Juan, has made a sworn declaration whereby and by virtue of which he has ground to believe that the person of Manuel Cerecedo is carrying concealed with him, or has in his premises, at No. 46 San Francisco Street, lottery tickets for the unlawful purpose of offering them for sale.

Whereas, said declaration has been subscribed to by said Walter St. Elmo, Chief of the Secret Service Bureau, setting forth therein the grounds on which he bases his declaration.

Now therefore, by virtue thereof and according to law I should issue and do hereby issue this search warrant so that a search be made at any hour of the day or night either in the house or in the person of said Manuel Cerecedo, or to whomsoever he may have delivered said tickets for the purpose of concealing them or preventing their

detection, and proceed to arrest the person or persons in whose possession said tickets may be found, seizing them and making delivery thereof to the municipal court of San Juan, at No. 43 Cristo St.

The above warrant is issued for the purposes herein set forth only, and return thereof made within ten days from date.

San Juan, Porto Rico, September 16th, 1913.

FERNANDO J. GEIGEL,
Municipal Judge.

RETURN.

Respectfully returned to the Hon. municipal judge, the search warrant issued yesterday to me having been complied with, and having seized one thousand and eighteen lottery tickets, and eight teenths, and in addition thereto, twenty three of the same, two large note books, two small ones, and a certain number of receipts, memorandums and notes in connection with the business of selling lottery tickets. An invoice copy book with 36 written sheets.

San Juan, P. R., Sept. 17, 13.

WALTER M. ST. ELMO,
Chief of the Secret Service Bureau.

I, Walter St. Elmo, agent of the authority by whom this search warrant was executed, do swear that the preceding inventory contains a true and detailed list of the articles seized by me in carrying out said warrant.

WALTER ST. ELMO,
Chief of Secret Service Bureau.

UNITED STATES OF AMERICA,
THE PRESIDENT OF THE UNITED STATES. } *ss.*

Subscribed and sworn to before me by Walter St. Elmo, of age, Chief of the Secret Service Bureau, to me personally known.

San Juan, P. R., Sept. —, 1913.

FERNANDO J. GEIGEL,
Municipal Judge of San Juan.

APPENDIX "C."

(Affidavit of Walter M. St. Elmo, upon which Valle search warrant issued.)

IN THE MUNICIPAL COURT OF CABO-ROJO.

AFFIDAVIT.

In the town of Cabo-Rojo, P. R., on the 9th day of October, 1913, before me appears, Walter M. St. Elmo, resident of San Juan, P. R., marries, Chief of the Secret Service Bureau and of legal age, who being first duly sworn says:

That he has good grounds to suspect that Carlos Valle keeps in his house in this town documents and other things which show his complicity in certain crime for which he has been denounced for violation of articles 293 and 294 of the Penal Code.

Wherefore, I ask the Honorable Judge of this District that a search warrant be issued so that his house may be searched.

WALTER M. ST. ELMO.

Sworn to and subscribed before me on this 9th day of October, 1913.

J. A. FLEYTAS COLBERG,
Municipal Judge.

CERTIFICATE.

I certify that the foregoing is a true and correct copy of the affidavit filed in the office of the clerk of this Municipal Court. And to be forwarded to the Hon. the Prosecuting Attorney of the District Court of the United States, I issue the present under my signature in Cabo-Rojo, P. R., March 7th, 1914.

J. A. FLEYTAS COLBERG,
Judge of the Municipal Court of Cabo-Rojo.

APPENDIX "D."

(Copy of Cerecedo search warrant and return thereon.)

UNITED STATES OF AMERICA,
The President of the United States.

THE PEOPLE OF PORTO RICO, *v.* CARLOS VALLE. } Municipal Court of Cabo-Rojo.

The People of Porto Rico, to any Police Officer in the District of ———.

There having been filed on this day, proof by means of an affidavit signed by Walter M. St. Elmo, that in the residence of Carlos Valle there are documents and other things in connection with a crime being persecuted for violation of articles 293 and 294 of the Penal Code. You are therefore commanded during the hours of this day, to make a search in the said house in order to find the documents and things which may be there relative to the crime denounced and if any or all of said things should be found by you, to bring them forthwith before me in this municipal court of Cabo-Rojo.

Given under my signature on this 9th day of October, 1913.

J. A. FLEYTAS COLBERG,
Municipal Judge of Cabo-Rojo.

RETURN.

I, Walter St. Elmo, certify that on the 9th day of October, 1913, in pursuance to the foregoing warrant I proceeded to make a search in the dwelling house of Carlos Valle, in the presence of said Carlos Valle and Dario Suarez, a detailed list of the articles appearing below:

One telegram to Carlos Valle, signed Cerecedo, June 7th, 1913.

One telegram to Carlos Valle, signed Manuel, June 9th, 1913.

3 telegrams Carlos Valle signed, Manolo, July 26th, 1913.

1 letter to Carlos Valle signed, Jose G. Vasquez, July 24th, 1913.

1 Bill of Health to Carlos Valle signed, Anto. Cabral, Sept. 17, 1913.

6 tickets for purchases, given by Gonzalez Padin, San Juan.

3 envelopes of telegrams, addressed to Carlos Valle.

3 Custom House receipts 186982–246013–246049 in favor of Carlos Valle.

1 bill from drug store Aug. 11–13 with numbers on the back.

I, Walter St. Elmo, a public official by whom this warrant was executed do swear that the foregoing inventory contains a true and detailed list of all the articles found by me while carrying out this order.

WALTER M. ST. ELMO.

Sworn to and subscribed before me on this 9th day of October, 1913.

J. A. FLEYTAS COLBER,
Municipal Judge of Cabo-Rojo.

I have received from the Municipal Judge of Cabo-Rojo the foregoing order for its delivery to the District Attorney.

Cabo-Rojo, P. R., Oct. 8th, 1913.

WALTER M. ST. ELMO.

I certify that the foregoing is a true copy of the original filed in the office of the Clerk of this municipal court. And in order to forward same to the United States District Attorney, I issue the present in Cabo-Rojo, on the 7th of March, 1914.

J. A. FLEYTAS COLBERG,
Municipal Judge of Cabo-Rojo.

APPENDIX "E."

(Statutes governing the issuance of search warrants in Porto Rico.)

CODE OF CRIMINAL PROCEDURE. (Rev. Stat. & Codes, Porto Rico, 1911, pp. 1021, 1023.)

SEC. 501.—A search-warrant is an order in writing, in the name of The People, signed by a justice of the peace, directed to a peace officer, commanding him to search for personal property, and bring it before the justice of the peace.

SEC. 502.—It may be issued upon either of the following grounds:

* * * * *

2. When it (the property sought to be seized) was used as the means of committing a felony; in which case it may be taken on the warrant from the place in which it is concealed or from the possession of the person by whom it was used in the commission of the offense, or from any person in whose possession it may be.

3. When it is in the possession of any person with the intent to use it as a means of committing a public offense, or in the possession of another to whom he may have delivered it for the purpose of concealing it or preventing its being discovered; in which case it may be taken on the warrant from such person, or from any place occupied by him or under his control, or from the possession of the person to whom he may have so delivered it.

* * * * *

SEC. 503.—A search-warrant cannot be issued but upon probable cause, supported by affidavit, naming or describing the person, and particularly describing the property and the place to be searched.

SEC. 504.—The justice of the peace must, before issuing the warrant, examine on oath the complainant, and any witnesses he may produce, and take their depositions in writing, and cause them to be subscribed by the party making them.

SEC. 505.—The depositions must set forth the facts tending to establish the ground of the application, or probable cause for believing that they exist.

SEC. 506.—If the justice of the peace is thereupon satisfied of the existence of the grounds of the application, or that there is probable cause to believe their existence, he must issue a search-warrant, signed by him with his name of office, to a peace officer in his district, commanding him forthwith to search the person or place named, for the property specified, and to bring it before the justice of the peace.

SEC. 507.—The warrant must be in substantially the following form:—

" District of ———

" The People of Porto Rico to any marshal, policeman, or peace officer in the district of ———:

" Proof by affidavit, having been this day made before me by (naming every person whose affidavit has been taken), (stating that the ground of the application according to Section five hundred and three, or if the affidavit be not positive, that there is probable cause for believing that, stating

the ground of the application in the same manner), you are therefore commanded in the day-time, (or at any time of the day or night, as the case may be) according to Section five hundred and eleven, to make immediate search on the person of ——— (or in the house situated ———, describing it or any other place to be searched with reasonable particularity, as the case may be) for the following property; (describing it with reasonable particularity) and if you find the same or any part thereof, to bring it forthwith before me at (stating the place).

Given under my hand, and dated this —— day of ——— A. D., nineteen ———.

———— ————,

Justice of the Peace."

SEC. 508.—A search-warrant may in all cases be served by any of the officers mentioned in its direction but by no other person, except in aid of the officer on his requiring it, he being present and acting in its execution.

SEC. 509.—The officer may break open any outer or inner door or window of a house, or any part of a house, or anything therein, to execute the warrant, if after notice of his authority and purpose, he is refused admittance.

SEC. 510.—He may break open any outer or inner door or window of a house, for the purpose of liberating a person who, having entered to aid him in the execution of the warrant, is detained therein, or when necessary for his own liberation.

SEC. 511.—The justice of the peace must insert a direction in the warrant that it be served in the day-time, unless the affidavits are positive

that the property is on the person or in the place to be searched, in which case he may insert a direction that it be served at any time of the day or night.

SEC. 512.—A search-warrant must be executed and returned to the justice of the peace who issued it within ten days after its date; after the expiration of this time the warrant, unless executed, is void.

SEC. 513.—When the officer takes property under the warrant, he must give a receipt for the property taken (specifying it in detail) to the person from whom it was taken by him, or in whose possession it was found; or in the absence of any person, he must leave it in the place where he found the property.

SEC. 514.—When the property is delivered to the justice of the peace, he must, if it was stolen or embezzled, dispose of it as provided in Section 463 to 468, inclusive. If it was taken on a warrant issued on the grounds stated in the second and third subdivisions of Section 502 he must retain it in his possession, subject to the order of the court to which he is required to return the proceedings before him, or of any other court in which the offense in respect to which the property taken is triable.

SEC. 515.—The officer must forthwith return the warrant to the justice of the peace, and deliver to him a written inventory of the property taken, made publicly or in the presence of the person from whose possession it was taken, and of the applicant for the warrant, if they are present, verified by the affidavit of the officer at the

foot of the inventory, and taken before the justice of the peace at the time, to the following effect:

I, ——— ——— (the officer by whom this warrant was executed) do swear that the above inventory contains a true and detailed account of all the property taken by me on the warrant.

SEC. 516.—The justice of the peace must thereupon, if required, deliver a copy of the inventory to the person from whose possession the property was taken, and to the applicant for the warrant.

SEC. 517.—If the grounds on which the warrant was issued be controverted, he must proceed to take testimony in relation thereto, and the testimony of each witness must be reduced to writing.

SEC. 518.—If it appears that the property taken is not the same as that described in the warrant, or that there is no probable cause for believing the existence of the grounds on which the warrant was issued, the justice of the peace must cause it to be restored to the person from whom it was taken.

SEC. 519.—The justice of the peace must annex together the depositions, the search-warrant and return, and the inventory, and return them to the District Court having power to inquire into the offenses in respect to which the search-warrant was issued.

SEC. 520.—When a person charged with a felony is supposed by the justice of the peace before whom he is brought to have on his person a dangerous weapon, or anything which may be used as evidence of the commission of the offense, the justice of the peace may direct him to be searched in his presence, and the weapon or other thing to be retained, subject to his order, or to the order of the court in which the defendant may be tried.

(Extracts from act of the legislative assembly of Porto Rico of March 10, 1904, abolishing offices of justice of the peace and creating the office of municipal judge with power to fulfill all duties then exercised by justices of the peace.)

Sec. 3. The office of justice of the peace and secretary and clerks of justices of the peace, and the offices of municipal judges and secretaries, and other employees of the municipal courts, at present in existence, are hereby abolished: and there is created hereby the office of municipal judge, who shall perform the duties and functions which are hereafter prescribed in this law; and all the proceedings in said municipal courts must be conducted according to the rules and proceedings in force in the district courts.

Note: Section 1 of act of May 28, 1904, acts of 1905, page 12, reads as follows:

"That the procedure for the institution and trial of criminal cases in the municipal courts shall be the same as provided by law for criminal cases in the justice of the peace courts."

Sec. 4. Except as provided hereafter in this act, the municipal judges created hereby shall fulfill all the duties which are at present performed by the justices of the peace and municipal judges. He shall have jurisdiction in all civil matters in his district to the amount of five hundred dollars, including interest; he shall have jurisdiction in all criminal cases except felonies, and in all felony cases the municipal judge may act as a committing magistrate, and he may fix bail under the laws in force. (Revised Statutes and Codes, Porto Rico, 1911, p. 247.)

○

Office Supreme Court.
FILED
MAR 5 1915
JAMES D. MAHER

IN THE

Supreme Court of the United States.

OCTOBER TERM, 1914.

No. 697. 285

MANUEL CERECEDO, ANDRES GRILLASCA and CARLOS VALLE,

Plaintiffs in Error,

vs.

THE UNITED STATES.

BRIEF FOR PLAINTIFFS IN ERROR IN OPPOSITION TO MOTION TO DISMISS OR AFFIRM.

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IN THE

Supreme Court of the United States,

OCTOBER TERM 1914.

No. 697.

MANUEL CERECEDO, ANDRES GRILLASCA and CARLOS VALLE,
Plaintiffs in error,

vs.

THE UNITED STATES.

Brief for Plaintiffs in error in opposition to motion to dismiss or affirm.

This motion is an attempt by the Government, the agents of which have violated the constitutional rights of the plaintiffs in error, to prevent them, upon mere technicalities of procedure, from obtaining a review by this Court of the denial of their rights by the Court below.

The statement contained in the Government's brief appears to be substantially correct in its recital of the facts so far as it goes, and this brief will be devoted mainly to a discussion of the principal questions of law involved, as set forth in the Government's motion papers.

Brief of the argument.

I.—The constitutional question involved is not frivolous and this Court has jurisdiction.

II.—This case comes within the rule of Weeks *vs.* United States, 232 U. S. 383, and is not concluded by the decision in Adams *vs.* New York, 192 U. S. 585.

III.—The absence of a formal Bill of Exceptions is immaterial, and the refusal of the Court below to extend the time to file such a Bill was an abuse of discretion.

POINTS.

I.

The Constitutional question involved is not frivolous, and this Court has jurisdiction.

This case squarely presents a new aspect of one of the most important questions which can arise under the Constitution:—the right of the individual to freedom from unreasonable searches and seizures, and from compulsory self-crimination. Whatever the advocates of inquisitorial procedure in criminal prosecutions may have to urge in its behalf, it has not been adopted in this country and the constitutional prohibition of this all too convenient means of oppression has been very recently vindicated by this Court.

It appears that in the procedure adopted below by counsel for the plaintiffs in error for the assertion and protection of his clients' rights in this respect, he was—to use his own words—"following the proceedings in this case which were recently followed in the case of United States *vs.* Weeks" (Govm't Brief p. 12), the decision in which was announced less than three weeks before the trial of the present cause. The news of that decision must have reached Porto Rico just before such trial, and there had not been time for either Bench or Bar to digest it and learn fully how to apply it.

The Government contends that "counsel for the plaintiffs in error have misinterpreted the effect of the decision" in the Weeks case (Govm't Brief, p. 12), and that the present case is distinguishable therefrom and falls under the rule of the Adams case. But this is a question which only this Court can finally and authoritatively decide, and the fact that the learned Solicitor General devotes seven pages of his brief (pp. 9-15) to the argument thereof proves that it is not frivolous. A frivolous question is one which requires no argument, but merely needs to be stated for its frivolous character to appear. Doubtless where a case is manifestly on all fours with some accepted prior decision, an attempted distinction on wholly unsubstantial grounds may be frivolous. But where the facts of a given case fall somewhere between those involved in two prior leading cases, the results of which were diametrically opposed to each other, then the question which rule is to be applied is one of the most serious and difficult which a Court can be called upon to consider.

The precise relation of this case to the Weeks and Adams cases will be discussed in the next Point. Suffice it to say here that even the Solicitor General's presentation shows that the question is too grave and too important to be determined in a summary manner without oral argument, and without having the Record before the Court in printed form.

It should be borne in mind that there is no review of the judgments of the District Court of the United States for Porto Rico, save in this Court, which should not therefore too narrowly construe its jurisdiction for this purpose. Any substantial claim of right under the Constitution or laws of the United States, and its denial by the Court below, is a sufficient ground for the jurisdiction of this Court to review a judgment of the District Court for Porto Rico, especially in a criminal case.

See Rodriguez *vs.* United States, 198 U. S. 156.

Crowley *vs.* United States, 194 U. S. 461.

In the Crowley case the Court said (at p. 466):

> "It thus appears that the accused claimed "a right under the Act of Congress and un- "der the Revised Statutes of the United "States, which, it is alleged, was denied to "him in the Court below. This Court has, "therefore, jurisdiction to inquire whether "there is anything ofsubstance in that claim."

A fortiori, this Court has jurisdiction where the accused has claimed a right under the Constitution, and the Court below has denied it.

The decisions cited by the Solicitor General (Govm't. Brief, p. 9), in regard to the limitations

upon the jurisdiction of this Court on *direct* appeals from or writs of error to the other District Courts, are not applicable to appeals from and writs of error to the District Court for Porto Rico. Such *direct* appeals are an exception to the usual method of review by the Circuit Court of Appeals, which is not available in the case of judgments of the District Court for Porto Rico.

II.

This case comes within the rule of Weeks vs. United States, 232 U. S. 383, and is not concluded by Adams vs. New York, 192 U. S. 585.

In the Adams case the decision in this Court turned wholly on the question of the competency and admissibility in evidence of certain papers seized under a search warrant, and this Court held that the Trial Court was not required to try the question whether the seizure violated the defendant's constitutional rights, upon a mere objection to the competency of the papers when offered as evidence.

In the Weeks case it appeared that the defendant, before the trial, applied to the Trial Court to direct the return of certain papers, which he claimed had been unlawfully seized. The Trial Court refused to direct the return of those which it deemed pertinent to the case. The question was raised again by objection at the trial. This Court held that the seizure was unlawful, and that the

refusal to direct the return of these papers was a violation of defendant's constitutional rights, and reversed the conviction below, saying (at pp. 391, 392):

> "The effect of the Fourth Amendment is to "put the courts of the United States and Fed- "eral officials, in the exercise of their power "and authority, under limitations and re- "straints as to the exercise of such power and "authority, and to forever secure the people, "their persons, houses, papers and effects "against all unreasonable searches and seiz- "ures under the guise of law. This protec- "tion reaches all alike, whether accused of "crime or not, and the duty of giving to it "force and effect is obligatory upon all en- "trusted under our Federal system with the "enforcement of the laws. The tendency of "those who execute the criminal laws of the "country to obtain conviction by means of un- "lawful seizures and enforced confessions, "the latter often obtained after subjecting "accused persons to unwarranted practices "destructive of rights secured by the Federal "Constitution, should find no sanction in the "judgments of the courts which are charged "at all times with the support of the Consti- "tution and to which people of all conditions "have a right to appeal for the maintenance "of such fundamental rights."

Such a violation of constitutional rights is a far graver wrong than any purely statutory offence such as the possession or sale of lottery tickets, the prohibition of which is a very modern innovation.

In the case at bar one of the defendants below, *before the trial,* applied in writing to the United States Attorney for Porto Rico, a judicial officer of the United States, sworn to uphold the Consti-

tution and laws thereof, for a return of the papers unlawfully seized (Govm't Brief, pp. 4, 5). Upon the trial and before any of these papers had been admitted in evidence, the defendants applied to the Court to direct their return. Objection was also made and exception taken to their admission in evidence (Govm't Brief, pp. 5, 6). Thus before any of these papers were received in evidence, there had been an application to the United States Attorney for their return, and an application to the Court to direct their return. The only difference between this case and the Weeks case is that in the Weeks case there was an independent and separate application to the Court before the trial to direct the return of the unlawfully seized papers. So important a constitutional right should not be denied merely because it was not asserted in a formal application to the Court, until the trial had begun. It was asserted to the United States Attorney before the trial, and to the Court before the reception of the evidence. This should be held sufficient, and in any event the question of its sufficiency is one which should be determined upon a complete record and full argument.

So far as the papers seized included private writings made by the defendants or some of them, and these writings were used in evidence as their admissions, such use was equivalent to compulsory self-crimination, within the rule of Boyd *vs.* United States, 116 U. S. 616. It makes no difference whether the compulsion is exercised by an order to produce, a *subpoena duces tecum,* or a search warrant,—in any case the defendant's written statement is forced from him by process, illegal in substance, but masquerading as legal in

form. This is a separate constitutional objection, distinct from the general objection on the ground of unlawful search and seizure. It was separately raised by objection and exception, and is one of the subjects which should be considered at length upon a full hearing of the cause. It is not discussed in the Government's brief, and requires an independent examination of the Record.

The search warrants upon which the seizure was made were illegal and void. Such a warrant can be issued only on affidavits showing probable cause for believing that the jurisdictional facts exist (Porto Rico Code Crim. Proc. Secs. 503-506; Govm't. Brief, pp. 28, 29). In this case the affidavit on which the Cerecedo search warrant was issued contains, it is true, an express declaration that Cerecedo had lottery tickets in his possession, but immediately qualifies this into nothingness by basing it on the allegation:

> "That the Insular Police of San Juan has "received confidential information in that re- "gard, and through the information of other "detectives of the Insular Police having good "grounds to believe that it is true." (Govm't Brief, p. 18).

In other words, the affiant was swearing to the information and belief of other unnamed detectives, and his affidavit had therefore no probative force whatever.

The affidavit for the Valle search warrant was even weaker. There the affiant swears:

> "That he has good grounds to suspect that "Carlos Valle keeps in his house documents "and other things which show his complicity "in certain crime for which he has been de- "nounced."
>
> (Govm't Brief, p. 23).

The warrants issued on these affidavits, showing not facts, nor probable cause for believing that facts exist, but mere suspicions and second-hand information and hearsay, were nullities. Moreover, the Cerecedo warrant described the property to be searched for and seized merely as "said tickets", after a general reference to "lottery tickets" (Govm't Brief, p. 20), and thus wholly failed to comply with the statutory requirement of "particularly describing the property and the place to be searched" (Govm't Brief, p. 29). It contained no reference to anything but "lottery tickets", and the seizure of other books and papers was therefore wholly without warrant or even color of legal justification. The Valle warrant called for a search for "the documents and things which may be there relative to the crime denounced" (Govm't Brief, p. 25)—a "general warrant" of the most obnoxious type. (See Boyd *vs.* United States, 116 U. S. 616, at 626-630). A particular description of "the place to be searched, and the persons or things to be seized" and proof of probable cause by oath or affirmation are specifically required by the Constitution (Amendment IV).

For these reasons both warrants were void, and the search and seizure must be regarded as illegal invasions of the defendants' rights. This subject is also one which can be adequately presented only upon a full hearing.

III.

The absence of a formal Bill of Exceptions is immaterial and the refusal of the Court below to extend the time to file such a Bill was an abuse of discretion.

The long trial was begun on March 16th, and concluded on March 25th, 1914,—nine days in all, excluding the one Sunday which intervened. The defendants promptly filed their petition for a writ of error, and it was allowed on April 3d. This was before the end of the Term. The assignment of errors presented therewith may fairly be regarded as equivalent to a Bill of Exceptions sufficient to raise the questions here presented, and the allowance of the petition based thereon as tantamount to a settlement thereof. This assignment of errors contains the essential exceptions, and the allowance of the writ of error was signed by the judge. It is not necessary that a Bill of Exceptions should be expressly so styled to make it available for purposes of judicial review. (See Herbert *vs.* Butler, 97 U. S. 319).

The defendants' counsel did not receive the stenographer's transcript complete until April 18th, 1914, on which date he applied to the Court for leave to file a supplemental assignment of errors. This application was held under advisement until July 23, 1914, and then denied. No reasons for such denial appear. It operated adversely to counsel's effort to obtain an adequate review of the case, and was on its face an abuse of discretion.

More serious was the abuse of discretion in refusing to extend the time to file a formal Bill of Exceptions and procure its settlement. It was obviously impossible to prepare such a Bill from this voluminous Record before the expiration of the October, 1913, Term of Court, especially as the complete transcript could not be obtained from the stenographer until after the April, 1914, Term had begun. The application for extension of time was made on May 2d, 1914, and summarily denied. The requirements in regard to the time within which a Bill of Exceptions must be filed and settled are purely modal and formal, and are not fixed by statute, but merely by the practice of the Courts. The line of demarkation between the two terms of Court is also artificial and arbitrary. The real question should be whether due diligence has been used, as it has in this case. In general the discretion of the Court below in such matters will not be reviewed by this Court; but in extraordinary cases, and to prevent a denial of justice, this Court has both the power and the duty of supervision. In the present case it would be appropriate for this Court to deny the motion to dismiss or affirm, with directions to the plaintiffs in error to apply again to the Court below for leave to file a Bill of Exceptions, and an intimation that the Court below should entertain the application, in analogy to the principles declared and the procedure indicated in Guardian Assurance Co. *vs.* Quintana, 227 U. S. 100.

There the Court said, at pp. 103, 104:

> "While the elementary rule is that the "granting or refusing of a continuance is "within the discretion of a trial court, a dis- "cretion which will not be lightly interfered

"with, it is equally elementary that where it "is manifest that there has been a plain abuse "of discretion the duty to correct arises."

> There is no essential distinction between "the granting or refusing of a continuance" and the granting or refusing of an extension of time within which to file and settle a Bill of Exceptions.

The Court also said, at p. 107:—

> "It might result that a dismissal for want "of a settlement of the Bill of Exceptions "would occasion injustice, amounting to a "possible condemnation without a reasonable opportunity to be heard."

> Just such a result would necessarily follow from a dismissal in the case at bar. All that plaintiffs in error now ask is "a reasonable opportunity to be heard" on this question of the violation of their plain constitutional rights.

It is quite evident from many of the cases which have come before this Court that in Porto Rico the assimilation of American common-law and equity procedure is a slow process, that allowances must constantly be made in this regard, and that litigants are not to be turned out of this their only Court of review on mere arbitrary technicalities in matters of form.

The plaintiffs in error do not wish to delay the hearing and it may well be that when a sufficient Record is before the Court and has been printed, the case could properly be advanced for hearing under Rule 26, subd., 3 or 5, but this should not be done while this objection to the lack of a Bill of Exceptions is still outstanding.

CONCLUSION.

The motion should be denied.

Respectfully submitted this 8th day of March, 1915.

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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1915.
No. 285.

MANUEL CERECEDO, ANDRÉS GRILLASCA and CARLOS VALLE,
Plaintiffs-in-Error,

v.

THE UNITED STATES.

BRIEF FOR PLAINTIFFS IN ERROR.

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BRIEF FOR PLAINTIFFS IN ERROR.

Statement.

This cause comes before this Court on writ of error to the District Court of the United States for the District of Porto Rico, to review a judgment of conviction of the offense of conspiring to bring lottery tickets into Porto Rico from Santo Domingo. Upon such conviction, which was entered upon the verdict of a jury, the plaintiffs in error (defendants below) were sentenced as follows:

> Manuel Cerecedo, two years' imprisonment and $10,000 fine;
>
> Andrés Grillasca, one year's imprisonment and $1,000 fine;
>
> Carlos Valle, one year's imprisonment and $500 fine (Rec., pp. 213, 214).

This case has already been before this Court on a motion to dismiss or affirm, or place on the summary docket, which was submitted on briefs on March 8th, 1915. On March 15, 1915, the Court announced an order postponing the consideration of such motion until the hearing on the merits. Thereafter, on motion of the Government, the case was advanced for hearing and assigned for argument on October 12th, 1915.

The Record is voluminous, but the facts necessary to be considered upon this writ of error may be briefly stated.

On September 16th, 1913, Walter M. St. Elmo, Chief of the Secret Service Bureau in Porto Rico, applied to a judge of the Municipal Court of San Juan for a search warrant against "the house and person of Manuel Cerecedo". This application was made upon St. Elmo's affidavit that Cerecedo "is introducing in this City and carries concealed *in* (*sic*) his person lottery tickets." This statement was made categorically, but was immediately qualified into nothingness by the following explanations:

> "That the Insular Police of San Juan, has "received confidential information in that re- "gard, and through the information of other "detectives of the Insular Police, having good "grounds to believe that it is true that the "said Manuel Cerecedo is introducing such "lottery tickets." (Rec., p. 5.)

Thereupon a search warrant was issued, purporting to be made upon a sworn declaration of "the Insular policeman No. —— of this City of San Juan", directing a search of the house and person of Cerecedo and the seizure of any *lottery tickets* that might be found (Rec., p. 6).

A search was made under this warrant and a large number of papers claimed by the Government to be lottery tickets were seized, together with a number of note books, account books, letters, memoranda and other documents in no wise mentioned or referred to in the warrant (Rec., p. 6). All these papers were found in a compartment in the washstand in Cerecedo's room (Rec., p. 255). At the beginning of the search Cerecedo was arrested (Rec., p. 246).

On October 9th, 1913, St. Elmo applied to another Municipal Judge for a search warrant against the house of Carlos Valle. This time his affidavit stated merely

> "that he has good grounds to *suspect* that "Carlos Valle keeps in his house in this town, "documents and other things which show his "complicity in certain crime for which he has "been denounced" (Rec., p. 105).

Upon this mere general statement of suspicion a warrant was issued to search Valle's house for "the documents and things which may be there "relative to the crime denounced" which the warrant described as "being *persecuted* for violation "of Article 293 and 294 of the Penal Code" (Rec., p. 106).

The quotation is literal. It does not appear who is responsible for this unconscious tribute to the truth.

On the same day, the warrant was executed and a number of telegrams, receipts and other papers were seized, but no lottery tickets (Rec., pp. 106, 107).

On December 5th, 1913, Cerecedo and Valle, together with Grillasca, the other plaintiff-in-error, and one Mañon, who was apparently never appre-

hended, were indicted for conspiracy to violate § 237 of the United States Criminal Code (Rec., pp. 1-5). The plaintiffs-in-error thereafter pleaded not guilty and were brought to trial before Judge Hamilton and a jury.

Prior to the trial, Mr. Travieso, attorney for the defendants in the Court below, applied in writing to the United States Attorney for Porto Rico for the return of the papers and documents taken under the search warrant against Cerecedo, and specifically claimed that such taking was a violation of the Constitution, and that the warrant was illegal and void (Rec., p. 212). The United States Attorney "declined to make any response to the communication" (Rec., p. 432).

At the opening of the trial, and before any evidence had been given, except in regard to the issue and execution of the Cerecedo search warrant, defendant's counsel called the Court's attention to this application and formally moved for an order directing the United States Attorney to deliver to him the documents seized (Rec., pp. 247, 248, 255). Objection was also made to the admission in evidence of the documents so seized (Rec., pp. 255, 258, 259, 260 and *passim*), and the motion to direct their return was repeatedly renewed (Rec., pp. 260, 262 and *passim*).

Further specific objection was also made to the admission in evidence of seized books and papers in Cerecedo's own handwriting, as in violation of the Fifth Amendment. The Trial Court considered that this was "subject to considerable doubt", and said:

> "It appears to me though that I had better
> "place the decision in such a way that it can
> "be reviewed by a higher Court, the Court's

"mind being almost balanced one way as "against the other. I will decide that way, "overruling your objection so that you can "take an exception" Rec., pp. 262, 264).

Similar procedure was followed in the case of the papers seized under the Valle search warrant (Rec., pp. 278 *et seq.*).

The Trial Court held that the defendants were entitled under the Fourth Amendment to the return of all papers "seized in an unreasonable search", and that under the Fifth Amendment, "letters or papers written by the defendant him- "self will not be used to criminate him", but denied the application for the return of the papers on the ground that it was "too late for the pur- "poses of this trial", and also because the application was not made in a formal petition presented to the Court before the case was called for trial. (Rec., pp. 254, 255, 278-280.)

It is to be noted that defendant's counsel believed and stated that he was "following the pro- "ceedings in this case which were followed in the "case of the United States *vs.* Weeks, which was "recently decided by the Supreme Court of the "United States" (Rec., p. 248).

That decision was announced on February 24th, 1914 (232 U. S. 383). The Trial in the case at bar began on March 16th, 1914 (Rec., p. 242). There had not been sufficient time in the interval for this Court's opinion to have reached Porto Rico and to have been assimilated by the Bench and Bar of the Island, so that a formal petition for the return of the documents, in strict conformity with the procedure there indicated, could have been prepared, presented and considered before the trial.

The trial was continued *de die in diem* from March 16th, 1914, to and including March 25th, 1914,—nine days, excluding Sunday. The barest inspection of the bulky Record will show that the papers seized in the unlawful searches constituted the backbone of the prosecution's case, and that without them conviction under the indictment would have been impossible. It is significant that the indictment was not for the offence of bringing in lottery tickets from a foreign country, under § 237 of the Criminal Code, for which the *maximum* penalty is a fine of $1,000 and imprisonment for two years, but for *conspiracy* to commit this offence, under § 37, for which, in addition to the same term of imprisonment, a maximum fine of *$10,000* may be, and in this case was, imposed. The papers wrongfully seized were essential to the prosecution on *this* charge.

After the conviction and sentence the defendants promptly sued out this writ of error, which was allowed on April 3, 1914 (Rec., pp. 217, 218). A hastily prepared assignment of errors was presented in support of the application for the writ (Rec., pp. 215-217). The defendants were unable to obtain a complete transcript of the testimony until April 18th, 1914, in spite of due diligence on their part and on that of the Court stenographer (Rec., p. 221). *On the same day* they applied for leave to substitute a more complete and detailed assignment of errors (Rec., pp. 220-226). This application was denied on July 23rd, 1914 (Rec., p. 234).

On May 2nd, 1914, the defendants gave notice of an application for an extension of time in which to file a formal Bill of Exceptions. This was heard and denied on May 4th, 1914 (Rec., pp. 232, 233).

Specification of Errors.

The errors assigned upon the allowance of the writ of error may be briefly summarized as follows:

1. The Court erred in not directing the return of the books and papers unlawfully seized from the possession of the defendants Cerecedo and Valle;

2. The Court erred in admitting in evidence the books and papers unlawfully seized;

3. The Court erred in admitting in evidence papers written by the defendant Cerecedo and taken from his possession by compulsory process;

4. The Court erred in admitting in evidence papers which had been mutilated by the Chief of Detectives;

5. The Court erred in permitting Schwartz to testify as a handwriting expert.

The Supplemental Assignment of Errors which the Trial Court refused to permit to be substituted for the original Assignment presents the same objections in more detail, together with some further objections to specific rulings on evidence.

The Record shows further errors committed by the Trial Court, not specifically mentioned in either the original or the Supplemental Assignment, but of such importance as to require their consideration here, namely;

6. The Court erred in denying defendant's application for an extension of time in which to file a formal Bill of Exceptions and procure its allowance;

7. The Court erred in denying defendant's application for leave to substitute the Supplemental Assignment of Errors for the original Assignment;

8. The Court erred in admitting in evidence letters and other communications not purporting or proven to be from or to any of the defendants.

Brief of the Argument.

1. This Court has jurisdiction;

2. The search warrants were void and the searches and seizures made thereunder were in violation of the Constitution;

3. The Trial Court should have ordered the return of the papers unlawfully seized and should not have admitted them in evidence;

4. The United States Attorney should have returned, upon defendants' demand, the papers unlawfully seized;

5. Private papers written by the defendants or any of them, taken from their possession by compulsory process, should not have been submitted in evidence;

6. The Trial Court admitted other incompetent and irrelevant evidence;

7. The refusal of the Trial Court to extend defendants' time to file a Bill of Exceptions, and to permit the substitution of the Supplemental Assignment of Errors, was an abuse of discretion.

POINTS

I.

This Court has jurisdiction.

This writ of error was sued out before the passage of the Act of January 28th, 1915, which amended the Judicial Code by conferring upon the Circuit Court of Appeals for the First Circuit appellate jurisdiction over the United States District Court for Porto Rico (38 U. S. Stat. pp. 803, 804). The case at bar is governed exclusively by §244 of the Judicial Code as it existed prior to such amendment, as a case "wherein the Constitution of the United "States is brought in question * * * and the "right claimed thereunder is denied."

This Court has repeatedly held that any substantial claim of right under the Constitution or laws of the United States, and its denial by the Court below, is a sufficient ground for the jurisdiction of this Court under this provision.

See Rodriguez *vs.* United States, 188 U. S. 156;
Crowley *vs.* United States, 194 U. S. 461.

This Court's disposition of the Government's motion to dismiss or affirm shows that the questions here involved are substantial and not frivolous, as was claimed by the learned Solicitor General.

For all causes determined in the United States District Court for Porto Rico before the recent amendment, as this was, this Court is the only Court of review, and its jurisdiction is not to be limited by any narrow construction.

The Organic Act providing for the civil government of Porto Rico expressly recognized the applicability of the Constitution to that Island (31 U. S. Stat. p. 85, §35), by providing for a review by this Court of all decisions of either the District Court of the United States for Porto Rico, or the Supreme Court of Porto Rico "in all cases where the constitution of the United States is brought in question * * * and the right claimed thereunder is denied", just as now provided by §244 of the Judicial Code, *supra*.

See also

Downes *vs.* Bidwell, 182 U. S. 244, 268.

II.

The search warrants were void and the searches and seizures made thereunder were in violation of the Constitution.

The Fourth Amendment to the Constitution is as follows:

> "The right of the people to be secure in "their persons, houses, papers, and effects, "against unreasonable searches and seizures, "shall not be violated, and no warrants shall "issue but *upon probable cause*, supported "by oath or affirmation, and *particularly de-* "*scribing* the place to be searched, and the "persons or *things to be seized.*"

The Code of Criminal Procedure of Porto Rico is equally positive and specific.

> "SEC. 503. A search warrant cannot be "issued but upon *probable cause*, supported

"by affidavit, naming or describing the per-
"son, and *particularly describing the prop-*
"*erty* and the place to be searched."

"SEC. 504. The justice of the peace must,
"before issuing the warrant, examine on oath
"the complainant, and any witnesses he may
"produce, and take their depositions in writ-
"ing, and cause them to be subscribed by the
"party making them."

"SEC. 505. The *depositions* must set forth
"the *facts* tending to establish the ground of
"the application, or *probable cause* for be-
"lieving that they exist."

"SEC. 506. If the justice of the peace is
"thereupon satisfied of the existence of the
"grounds of the application, or that there is
"probable cause to believe their existence, he
"must issue a search warrant, signed by him
"with his name of office, to a peace officer in
"his district, commanding him forthwith to
"*search* the person or place named, *for the*
"*property specified*, and to bring it before
"the justice of the peace".

Tested by these requirements both warrants were utterly void.

In the application for the Cerecedo warrant the affiant swore, not to any knowledge of his own, but to so-called "confidential information" of other unnamed "detectives of the Insular Police" (Rec., p. 5). This affidavit had no probative force whatever, and did not constitute the "probable cause" required by the Constitution and the Statute. It presented nothing sufficient to set in motion the judicial action of the Municipal Judge, and was a mere nullity. The issue of the warrant was therefore not a mere judicial error, but an unlawful assumption of authority for which there was no jurisdictional basis. The warrant described the property to be searched for and seized merely

as "said tickets," after a general reference to "lottery tickets", and thus failed to comply with the Constitutional and statutory requirements of particularly describing the things to be seized. It contained no reference to anything but "lottery tickets", and the seizure of other books and papers was without the faintest color of legal justification.

In the application for the Valle warrant, the affiant swore merely that he had "good grounds to *suspect* that Carlos Valle keeps in his house documents and other things which show his complicity in certain crime" (Rec., p. 105); and the warrant called for a search for "the documents and things which may be there relative to the crime denounced" (Rec., p. 106).

This was on its face a "general warrant" of the type long ago condemned by the Courts of England and of this country.

> See Boyd *v.* United States, 116 U. S. 616, especially at pp. 626-630, and cases cited.

In this case this Court quoted at length, and with express approval, from Lord Camden's judgment in Entick *v.* Carrington, 19 Howell's St. Tr. 1029, as follows:

> "Papers are the owner's goods and chat-
> "tels; they are his dearest property; and are
> "so far from enduring a seizure, that they
> "will hardly bear an inspection; and though
> "the eye cannot by the laws of England be
> "guilty of a trespass, yet where private pa-
> "pers are removed and carried away the se-
> "cret nature of those goods will be an
> "aggravation of the trespass, and demand
> "more considerable damages in that respect.
> "Where is the written law that gives any

"magistrate such a power? I can safely an-
"swer, there is none; and, therefore, it is too
"much for us, without such authority, to pro-
"nounce a practice legal which would be sub-
"versive of all the comforts of society."

* * *

"Lastly, it is urged as an argument of util-
"ity, that such a search is a means of detect-
"ing offenders by discovering evidence. I
"wish some cases had been shown, where the
"law forceth evidence out of the owner's
"custody by process. There is no process
"against papers in civil causes. It has been
"often tried, but never prevailed. Nay, where
"the adversary has by force or fraud got pos-
"session of your own proper evidence, there
"is no way to get it back but by action. In
"the criminal law such a proceeding was
"never heard of; and yet there are some
"crimes, such, for instance, as murder, rape,
"robbery and house-breaking, to say nothing
"of forgery and perjury, that are more atro-
"cious than libelling. But our law has pro-
"vided no paper-search in these cases to help
"forward the conviction. Whether this pro-
"ceedeth from the gentleness of the law to-
"wards criminals or from a consideration
"that *such a power would be more pernicious*
"*to the innocent than useful to the public*, I
"will not say. It is very certain that the law
"obligeth no man to accuse himself; because
"the necessary means of compelling self-
"accusation, falling upon the innocent as well
"as the guilty, would be both cruel and un-
"just; and it would seem, that search for evi-
"dence is disallowed upon the same principle.
"Then, too, the innocent would be confounded
"with the guilty."

Referring to the Fourth and Fifth Amend-ments, this Court said:

"We have already noticed the intimate re-
"lation between the two amendments. They

> "throw great light on each other. For the
> "'unreasonable searches and seizures' con-
> "demned in the Fourth Amendment are al-
> "most always made for the purpose of com-
> "pelling a man to give evidence against him-
> "self, which in criminal cases is condemned
> "in the Fifth Amendment; and compelling a
> "man 'in a criminal case to be a witness
> "against himself,' which is condemned in the
> "Fifth Amendment, throws light on the ques-
> "tion as to what is an 'unreasonable search
> "and seizure' within the meaning of the
> "Fourth Amendment. *And we have been un-*
> *"able to perceive that the seizure of a man's*
> *"private books and papers to be used in evi-*
> *"dence against him is substantially different*
> *"from compelling him to be a witness against*
> *"himself.* We think it is within the clear in-
> "tent and meaning of those terms."

The whole subject is so exhaustively treated in this leading case and the decision is so well known, that further quotation is unnecessary, and further discussion would be impertinent.

Whatever the advocates of inquisitorial procedure may urge in its support, the fundamental law of this country, as interpreted by this Court, still recognizes the primary importance of protecting the privacy of the individual citizen against unreasonable invasion by governmental authority. The right of search exists, but it can be exercised only subject to the limitations prescribed by the Constitution. Any departure from these limitations is an offence far more serious than a conspiracy to violate a comparatively recent statute which penalizes a method of raising money for public or charitable purposes, that was as lawful in Puritan New England and in Imperial New York three or four generations ago, as it is today in Santo Domingo.

The searches and seizures made in this case were plainly and on the face of the papers violations of the defendants' constitutional rights. The Court below refused, on purely procedural grounds, to vindicate these rights and make them effective, and the defendants' only remaining recourse is in this Court, which is peculiarly the guardian of the Constitution.

III.

The Trial Court should have ordered the return of the papers unlawfully seized and should not have admitted them in evidence.

The sweeping and salutary decision of this Court in *Weeks* vs. *United States,* 232 U. S. 383, established the rule that where papers of a defendant in a criminal case have been taken by an unlawful search and seizure, the defendant is entitled to a direction by the Court for their return, and its refusal is error, requiring reversal of a conviction obtained by their use in evidence. This Court said, in words which should be impressed upon every police, prosecuting, and judicial officer:

> "The effect of the Fourth Amendment is "to put the courts of the Unitel States and "Federal officials, in the exercise of their "power and authority, under limitations and "restraints as to the exercise of such power "and authority, and to forever secure the "people, their persons, houses, papers and

> "effects against all unreasonable searches "and seizures under the guise of law. This "protection reaches all alike, whether ac- "cused of crime or not, and *the duty of giv- "ing to it force and effect is obligatory upon "all entrusted under our Federal system "with the enforcement of the laws.* The "tendency of those who execute the criminal "laws of the country to obtain conviction by "means of unlawful seizures and enforced "confessions, the latter often obtained after "subjecting accused persons to unwarrant- "ed practices destructive of rights secured "by the Federal Constitution, should find "no sanction in the judgments of the courts "which are charged at all times with the sup- "port of the Constitution and to which peo- "ple of all conditions have a right to appeal "for the maintenance of such fundamental "rights."

In the Weeks case the defendant before the trial had applied to the Trial Court to direct the return of certain of his papers which had been unlawfully seized. The Court had directed the return of some, but had refused such a direction as to those which it deemed pertinent to the case. The question was raised again by objection at the trial when these papers were offered in evidence. This Court reversed the conviction so obtained.

In the case at bar, an application for the return of the papers unlawfully seized from Cerecedo was made before the trial to the United States Attorney, the prosecutor of the indictment,—a judicial officer sworn to uphold the Constitution,—and was ignored by him. Again, upon the call of the case for trial, and before any evidence had been taken except the evidence that showed the illegality of the search, application was made to the

Court to direct the return of these papers. This was denied, because it had not been made *by petition* before the trial. Objection was also made to the admission of the papers in evidence.

The ruling of the Court below subordinates a great constitutional right to mere unsubstantial niceties of formal procedure, and denies it because asserted by *motion at the opening* of the trial instead of by *petition before* the trial. This requirement is not to be found in any statute, or even any Court rule, and it is contrary to the view of this Court that the duty of giving full effect to the Fourth Amendment is "obligatory upon *all* entrusted under our Federal "system with the enforcement of the laws". The United States Attorney having ignored this obligation, it was incumbent upon the Court to enforce it by any procedure available at the time.

The prosecution has relied, and the Court below acted, upon the theory that this case came within the purview of the decision in *Adams* vs. *New York*, 192 U. S., 585. But that decision turned wholly on the competency and admissibility in evidence of certain papers which had been incidentally seized under a *valid* search warrant, and this Court held that the Trial Court was not required to interrupt the trial of the issues in order to try the collateral question whether the seizure violated the defendant's constitutional rights, upon a mere objection to the competency of the papers when offered as evidence.

In the Adams case the warrant had been held to be legal and valid *per se;* and there was no application to the Court or to the prosecuting officer, before or at the trial, for a return of the papers, as there was in the Weeks case and in

the case at bar. Moreover, in the case at bar, the United States Attorney himself put in evidence the search warrant and the application therefor and testimony as to the circumstances of its issue and service, and thus furnished the Trial Court with all the evidence necessary to show the unlawfulness of the search and the seizure. The defendants did not ask, and did not have to ask, for an interruption of the trial to try this question; they merely asked the Court to take appropriate action on evidence which the prosecution had introduced. As it happened, no delay of the trial would have been involved, for the question first arose at the close of a day's session, and was considered by the Court over night (Rec. p. 251).

As between the Adams case and the Weeks case, the case at bar comes much nearer to the latter. If the principle of either is to be extended to cover a case not on all fours, it should be the broad constitutional doctrine of the Weeks case rather than the narrow procedural rule of the Adams decision.

IV.

The United States Attorney should have returned, upon defendants' demand, the papers unlawfully seized.

The United States Attorney was a judicial officer, bound by his oath of office to uphold the Constitution. This was a much higher obligation than the duty of endeavoring to obtain a conviction in a particular case. By the very lan-

guage of the Weeks decision, the Fourth Amendment was a limitation and restraint upon his power and authority, and the duty of giving it effect was obligatory upon him, as one of those "entrusted under our Federal system with the enforcement of the laws". He did not, in the Trial Court, claim that the search and seizure were lawful; he simply "ignored" the request to return the papers and persisted in offering them in evidence. This was such misconduct on his part as to require a reversal.

A mere inferential comment by the prosecuting attorney on the failure of the defendant in a criminal case to testify in his own behalf has been held ground for reversal. The willful use in evidence of papers unlawfully seized, after an express demand for their return, is far more serious.

See

Wilson *v.* United States, 149 U. S. 60.

Also

Hall *v.* United States, 150 U. S. 76.
Williams *v.* United States, 168 U. S. 382.

V.

Private papers written by the defendants or any of them, taken from their possession by compulsory process, should not have been admitted in evidence.

Some of the papers seized and used in evidence against the defendants were private writings

made by them or some of them. Such use was equivalent to compulsory self-crimination, and hence a violation of the Fifth Amendment which provides:—

> "No person * * * shall be compelled "in any criminal case to be a witness against "himself."

It was held by this Court in Boyd *vs.* United States, *supra*, that the production of private writings of a defendant for use as evidence against him cannot be required by compulsory process.

It makes no difference what form of compulsory process be used, whether an order of Court, a *subpoena duces tecum*, or a search warrant; by any of these the process of the law is employed to make a defendant furnish evidence against himself, just as effectually as if he were required to testify *viva voce*, and all these forms of inquisition come equally within the prohibition of the Fifth Amendment.

This objection goes to the competency of the evidence itself, and therefore does not require a preliminary application for a return of the writings.

In the present case this objection applies to the following important exhibits.

Exh. C. Agreement, Cerecedo and Mañon Rec. pp. 6, 255.

Exh. AA. Account Book, Rec. pp. 37-46, 262-264.

Exh. BB. Memorandum Book, Rec. pp. 46-53, 265.

Exh. CC. Memorandum Book, Rec. pp. 54-83, 266.

Exh. DD. Letter Book, Rec. pp. 84, 266, 267.

(This list is illustrative, not exhaustive.)

Their admission in evidence was a violation of the constitutional rights of the defendant Cerecedo, and calls for a reversal. The nature of the charge, and of the evidence as a whole, was such, that reversal as to any one defendant, and especially the principal defendant, should involve reversal as to the others also.

VI.

The Trial Court admitted other incompetent and irrelevant evidence.

The Constitutional questions involved confer jurisdiction upon this Court, and jurisdiction having once attached, the whole case is before the Court for consideration.

See

Burton *v.* United States, 196 U. S. 283.

The Trial Court committed numerous and serious errors in the admission of evidence, in addition to its violation of the defendants' Constitutional rights.

Among the papers seized from Cerecedo's possession was a mass of correspondence which did not appear and was not shown by any competent evidence to have been written by or to him.

As illustrations of this see:

Exh. F. Letter Mañon to Hermida, Rec. pp. 9, 258.

Exh. G. Letter Mañon to Hermida, Rec. pp. 9, 259.

Exh. H. Letter Mañon to Hermida, Rec. pp. 10, 259.

Exh. I. Letter Mañon to Hermida, Rec. pp. 11, 260.

Exh. K. Letter Mañon to Hermida, Rec. pp. 14, 261.

Exh. L. Letter Mañon to Hermida, Rec. pp. 15, 261.

Exh. N. Letter Jacinto to ————, Rec. pp. 18, 261.

Exh. O. Letter Jacinto to ————, Rec. pp. 18, 261.

Exh. P. Letter Mañon to Hermida, Rec. pp. 19, 261.

Exh. Q. Letter Mañon to Hermida, Rec. pp. 21, 261.

Exh. R. Letter ———— to ————, Rec. pp. 23, 261.

Exh. S. Letter Mañon to Garcia, Rec. pp. 24, 261.

Exh. V. Letter Mañon to Hermida, Rec. pp. 26, 262.

Exh. W. Letter ———— to ————, Rec. pp. 28, 262.

Exh. X. Letter Mañon to ————, Rec. pp. 29, 262.

Exh. Y. Letter ———— to Mañon, Rec. pp. 30, 34, 262.

There were various assurances by the United States Attorney that these irrelevant writings

would be "connected" (See Record, pp. 258, 262, 265), but these assurances were not fulfilled, and the Court never instructed the jury to disregard these exhibits. As they indicated that various people were making devious and mysterious arrangements, they undoubtedly prejudiced these defendants charged with conspiracy.

The testimony of the witness Schwartz, upon which the prosecution relied to show that various government exhibits, including the following:

Exh. C. Agreement, Cerecedo and Mañon, Rec. pp. 7, 255.
Exh. AA. Statements, Rec. pp. 37-45, 264.
Exh. BB. Statements, Rec. pp. 46-53, 265.
Exh. CC. Statements, Rec. pp. 54-83, 266.
Exh. RRR. Telegrams, Rec. pp. 129-135, 313.
Exh. OOO. Cheques, Rec. pp. 111, 302,

were in Cerecedo's handwriting. or signed by him, was incompetent (See Rec. pp. 330-336). The nature of his experience in handwriting was not such as to qualify him as an expert on the authorship of writings, especially where the comparison was made simply with a single signature. A paying teller, familiar with a depositor's signature, may well be qualified to say whether a disputed signature is or is not genuine, but this does not apply to one whose knowledge of the subject is derived simply from experience in reproducing handwriting by lithography (Rec. pp. 328-329).

While the acceptance of a witness to testify as an expert is doubtless a preliminary question to be determined in the judicial discretion of the Trial Court, a manifest abuse of discretion, such as was committed in this case, is sufficient ground

for reversal, especially when combined with all the other factors which operated to the prejudice of the defendants in this case.

See

Hardy *v.* Harbin, 154 U. S. 598, 605.
Chateaugay Iron Co. *v.* Blake, 144 U. S. 476, 484.

The admission in evidence of documents which had admittedly been mutilated by government officers was also erroneous (See Rec. p. 271). This mutilation was one more illustration of the high-handed manner in which the defendants' rights were disregarded.

VII.

The Trial Court's refusal to extend the time in which to file a Bill of Exceptions and to permit the substitution of the supplemental Assignment of Errors was an abuse of discretion.

Upon the motion to dismiss the Government asked for a dismissal or affirmance on the ground of the absence of a formal Bill of Exceptions, expressly so-called. This motion was postponed until the hearing on the merits. The Record presents to this Court everything that would be presented by a Bill of Exceptions and evidently contains all the exceptions taken on the trial.

The original Assignment of Errors, submitted with the petition for writ of error, may fairly be regarded as equivalent to a Bill of Exceptions

sufficient to bring up the principal questions here presented. The allowance of the petition was, in like manner, tantamount to a settlement of the Bill. It is not necessary that a Bill of Exceptions should be expressly so styled to make it available to bring up questions for review in an Appellate Court.

See

Herbert *vs.* Butler, 97 U. S. 319.

The petition for writ of error and the original Assignment of Errors were presented on April 3rd, 1914;—less than ten days after the conclusion of the trial, which had lasted nine days, and before the end of the Term. Defendants' counsel did not receive stenographer's transcript complete until *April 18th,* 1914, and he applied on the same day for leave to substitute a more complete and detailed assignment of errors. This application was denied, without opinion, on *July 23rd,* 1914. This was a manifest abuse of discretion.

The application for an extension of time in which to file a formal Bill of Exceptions and procure its settlement was made on *May 4th,* 1914, and summarily denied (Rec. p. 233). If the absence of such a Bill prevents a determination on the merits upon this hearing, then this denial was an abuse of discretion sufficient to require a denial of the motion to dismiss, with instructions to the Court below to receive and settle the Bill of Exceptions, and with a continuance of the hearing on the merits meanwhile.

The requirements in regard to the time within which a Bill of Exceptions must be filed and settled are purely modal and formal, and are not fixed by statute. The duration of a Term of Court

is an artificial and arbitrary limitation. The real question should be whether due diligence has been used by the party and whether the Court below has abused its discretion.

See

Guardian Assurance Co. *v.* Quintana, 227 U. S. 103, 104.

Since this Court has concluded to *hear* this case on the merits, it is assumed that it will *determine* it on the merits, and will accept the Record before it as sufficient to present the essential questions involved. In such event these abuses of discretion by the Court below are of importance principally as showing the adverse atmosphere of the trial, and the probability that injustice was done.

Summary

1. The defendants' constitutional rights were violated and the fact of such violation appeared from the Government's own evidence.

2. The constitutional objections were raised sufficiently to invoke the jurisdiction of this Court.

3. The Trial Court abused its discretion to the prejudice of defendants, and committed serious errors in the admission of evidence.

4. This Court can and should vindicate the defendants' constitutional rights and correct the injustice done below.

Conclusion

The judgment of conviction should be reversed as to all three plaintiffs in error, and the cause remanded for a new trial, with instructions to the Trial Court to entertain an application for the return of the papers seized upon the search warrants.

Respectfully submitted this 12th day of October, 1915.

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Office Supreme Court, U. S.
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Supreme Court of the United States,

OCTOBER TERM, 1915.

No. 285.

MANUEL CERECEDO, ANDRÉS GRILLASCA and CARLOS VALLE,

Plaintiffs-in-Error,

vs.

THE UNITED STATES.

MEMORANDUM IN REPLY FOR PLAINTIFFS-IN-ERROR.

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Supreme Court of the United States,

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Plaintiffs-in-error,

vs.

THE UNITED STATES.

Memorandum in Reply for Plaintiffs-in-Error.

The Government's Brief is largely devoted to a renewal of the effort, previously made on the motion to dismiss or affirm, to prevent this Court from actually reviewing this case on the merits. Counsel for plaintiffs-in-error assume from the disposition of that motion that this Court desires to determine the merits, and to consider the procedural questions involved as merely incidental and subsidiary.

In this Memorandum in Reply we shall present briefly an answer to certain of the Government's

contentions which may not have been wholly anticipated in our principal Brief.

I.

Procedural Questions.

A. Absence of Formal Bill of Exceptions.

This technical defect was manifest upon the motion to dismiss, and the objections based thereon were then fully presented. If it had been deemed fatal, this Court would assuredly either have granted the motion, or afforded an opportunity to remedy the defect, instead of subjecting plaintiffs-in-error to the heavy expense ($1,425) of printing the Record.

The principal contention of the Government is that the application for an extension of time in which to present the Bill of Exceptions was not made until the succeeding Term of Court. The statute to which Government's counsel refers is by no means explicit as to the duration of the Terms of the District Court. It reads:

> "Regular terms of said Court shall be held "at San Juan, commencing on the second "Monday in April and October of each year, "and also at Ponce on the second Monday in "January of each year, and special terms may "be held at Mayaguez at such other stated "times as said Judge may deem expedient."
>
> (31 U. S. Stat. 84.)

It is evident that the word "terms" is used in the Act as equivalent to "sessions", as otherwise

there might easily be overlapping "terms" at different places, although there is only one Court, one Judge, and one District.

The exceptions were actually taken at the Trial, and there was no belated attempt to raise new objections. It does not appear when the Court adjourned or purported to adjourn for the October, 1913, Term, or that that so-called Term was not continued for special purposes thereafter. It does not appear that the denial of the motion for an extension of time was based on a supposed lack of power; it appears to have been an exercise of discretion, and as the delay was wholly due to the Court's own officer (the stenographer), this was plainly an abuse of discretion.

In any event, the District Court was not prevented by any Statute or Court Rule from granting the desired extension, and the circumstances were sufficiently "extraordinary" not only to justify but to require this trifling departure from a mere general course of practice.

Rights may be lost by unreasonable delay, but they should not be summarily cut off by a mere artificial division of terms and calendars.

B. Authentication of Transcript of Record.

The statute cited by Government's counsel does not prescribe the method by which a Transcript must be authenticated; it provides merely that a writ of error must be accompanied by

> "an authenticated transcript of the record" (U. S. Rev. Stat. §997).

It is not suggested that the Record before the Court is not a full and complete transcript of the

judgment roll, the proceedings at and connected with the trial, and all the evidence, oral and documentary. It is "authenticated" in part by the Clerk, in part by the official stenographer. If this authentication be deemed "irregular or imperfect", it is "within the discretion of this Court to allow the defect to be supplied." When it is too late to take out a new writ of error, this Court has held that "justice requires" such permission to be granted.

See Idaho and Oregon Land Co. *vs.* Bradbury, 132 U. S. 509, 513.

C. The Assignment of Errors.

The first Assignment of Errors was admittedly presented in time, and it is sufficient to raise the principal constitutional questions involved; it merely lacks the particularity of the proposed additional Assignment. An Assignment of Errors is necessary for the allowance of a Writ of Error, but there is no Statute or Court Rule which forbids the Court thereafter to allow amendments and additions for the purpose of more fully and adequately setting forth the questions to be reviewed.

D. Substantiality of Constitutional Questions.

This question was fully presented on both sides on the motion to dismiss, and this Court evidently then decided that the Constitutional questions involved (being the questions upon which the jurisdiction of the Court depended), were sufficiently "substantial" to require a hearing on the merits. No further argument on this point would appear to be necessary.

II.

The Merits.

A. Application of the Bill of Rights to Porto Rico.

It is undisputed that the Constitution controls and limits the powers of the Federal Government in Porto Rico, both under the decisions of this Court and the provisions of the Organic Act. If this were not the case, the right of review by this Court, of cases where a right has been claimed under the Constitution and denied, would be illusory.

The question raised by the Government is whether the Fourth and Fifth Amendments apply. The Court below expressly held that they did (Rec. pp. 244, 279), but that the claim thereunder had not been set up at the proper time and in the proper way.

The test suggested by Government's counsel is whether the rights under these amendments are fundamental or procedural. This test leaves the question open, as public opinion changes from generation to generation in regard to what rights are fundamental.

The proper test is rather whether a given constitutional provision imposes a limitation upon the powers of the Government wherever exercised, or whether it merely regulates the method by which the powers of the Government are to be exercised.

> See Downes *vs.* Bidwell, 182 U. S. 244, 282, 289, 291.

This Court has held that trial by a common law jury of twelve, who must all concur in the verdict,

or indictment by a Grand Jury, as distinguished from an "information," are merely particular modes of procedure which may or may not be applicable or appropriate in newly acquired territory (Hawaii *vs.* Mankichi, 190 U. S. 197). But the Government cannot anywhere deprive an individual of life, liberty or property without due process of law. In like manner, it cannot subject his property to "unreasonable searches and seizures", nor compel him to be a witness against himself. In the great case of Entick *vs.* Carrington, 19 How. St. Tr. 1029, approved by this Court in Boyd *vs.* United States, 116 U. S. 616, it was made clear that the basis for the rule against unreasonable searches and seizures was that it was an invasion of the individual's property rights—his right to the undisturbed possession and control of his private writings, without any inspection by Governmental compulsion.

Moreover, Entick *vs.* Carrington did not declare any *new* doctrine, as Government counsel speciously suggests; it vindicated an ancient right against attempted unlawful invasion by an oppressive Government.

The statute of Porto Rico on the subject merely imposes the Constitutional limitation in express terms on the Territorial Government. It is immaterial that in this case the illegal warrants were issued and searches made by Territorial Officials. It was the unlawful retention and use by the United States Attorney of the fruits of the illegal searches and seizures which constituted the invasion of defendants' Constitutional rights here complained of.

If these Constitutional safeguards could be set at naught by permitting the Federal Government

to utilize the result of their violation by a Territorial Officer claimed not to be controlled thereby, it would simply place a premium on unlawful collusion between Federal and Territorial officials. The papers in connection with the Valle warrant appears to have been turned over to the United States Attorney by the express order of the local Court (Rec. p. 107).

It does not appear what further proceedings were taken in the Territorial Courts either for or against Cerecedo and Valle. The assertion of Government counsel that "they omitted to take any steps to protect their rights" under the local statutes is not based upon anything in the Record.

B. Violation of Defendants' Constitutional rights.

It is not seriously claimed by the Government that the warrants were valid or that the searches or seizures were legal, except upon the very narrow ground that the latter were made in connection with an arrest. A right to search the *person* of the accused upon his arrest does not include a right to search his *premises*. Such a right would defeat the constitutional provision.

The right to search the *person* of an arrested defendant is an obvious and necessary physical precaution; a search of his premises may be a convenient method to obtain evidence for the prosecution, but it is not necessary and accordingly is not permitted except by virtue of a lawful warrant.

The reference in our principal Brief to the validity of the warrant in the Adams case was based on the description by this Court in the

Weeks Case (232 U. S. at p. 395) of the papers objected to in the Adams case, as "papers found in the execution of the search warrant, which warrant had a legal purpose" and its statement that "the same were incidentally seized in the *lawful execution* of a warrant."

There is manifestly no difference in law between a search made wholly without warrant, and one made under a wholly void warrant.

On the merits and aside from the technical difficulties raised by the Government, the Government's case reduces itself to these two propositions: (a) that the Constitutional right of immunity from unreasonable searches and seizures must be raised by a formal application to the Court before the trial and if not so raised is irretrievably lost; and

(b) That the Constitutional provisions in question do not apply to a United States Attorney, so as to prevent him from using private papers unlawfully seized, or impose upon him the duty to return them to the owner.

Upon these questions we rest upon the arguments in our principal Brief, also reiterating our contention that the use in evidence of private papers, taken from a defendant's possession by compulsory process, is equivalent to compulsory self-incrimination, whether or not the defendant is called as a witness or required to produce the papers with his own hands.

CONCLUSION.

The interests of justice and individual security require a reversal.

Respectfully submitted this 12th day of October, 1915.

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In the Supreme Court of the United States.

OCTOBER TERM, 1915.

MANUEL CERECEDO, ANDRES GRILLASCA, and Carlos Valle, plaintiffs in error,
v.
THE UNITED STATES.

No. 285.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR PORTO RICO.

BRIEF FOR THE UNITED STATES.

PROLOGUE.

Before opening the argument on this brief, counsel for the Government conceives that he should point out, in the character of prologue, one fact (not clearly brought out in the statement of facts on the plaintiffs in error's brief) which would seem in itself to dispose of the necessity of argument.

This one fact is as follows:

The "Transcript of Record," so called, filed by the plaintiffs in error in this case, is not a "record" in any legal sense. Rather, in the words of Lord Denman, is it "a delusion, a mockery, and a snare."

For, of 451 pages of the printed volume so delusively termed "Transcript of Record," exactly 34 pages contain documents properly part of a legal record; 210 pages consist of a document entitled "Transcript of Evidence," which is certified to by a stenographer and bears no certificate by the United States judge, and there is no bill of exceptions filed or even tendered in the case; 207 pages consist of documentary exhibits which the clerk of the court certifies to simply as being true copies, but which are, of course, meaningless, except as referred to in the said document called "Transcript of Evidence."

Certainly, under these circumstances, this Court will not—

> * * * need the tears of all the angels
> To blot the record out,

but will use the sword of justice to excise the 417 pages improperly inserted in this volume, masquerading "under saintly shew."

When this excision shall be made, there will be nothing left on which any argument can be made on the assignments of error. To make this perfectly clear, there is here appended a list of the only papers which are properly part of the record in the alleged "Transcript of Record."

(*a*) Indictment, pp. 1–5;
(*b*) Journal entry—Verdict of jury, sentence, pp. 212, 214;

(*c*) Petition for writ of error, p. 214;
(*d*) Assignment of errors, pp. 215–217;
(*e*) Order allowing writ of error, pp. 217–218;
(*f*) Writ of error, pp. 218–219;
(*g*) Motion for order to accept supplemental assignment of errors, pp. 220–221;
(*h*) Copy of supplemental assignment of errors tendered, pp. 222–226;
(*i*) Bail bonds, pp. 226–230;
(*j*) Praecipe, pp. 231–232;
(*k*) Petition for extension of time to file bill of exceptions, pp. 232–233;
(*l*) Exception to denial of motion for extension, p. 233;
(*m*) Order for extension of time to file record in Supreme Court, p. 234;
(*n*) Order denying motion to file supplemental assignment of errors, p. 234;
(*o*) Order for the extension of time to file record in Supreme Court, pp. 235–238;
(*p*) Additional praecipe, p. 238;
(*q*) Clerk's certificate, p. 239;
(*r*) Stipulation, pp. 239–241.

All the remainder of the yellow volume consists of the 417 pages above referred to.

If the argument is to be made, however, the Government respectfully submits that the writ of error

should be dismissed or the judgment below affirmed on the following grounds:

ARGUMENT.

I.

Neither the errors properly assigned nor the supplemental errors attempted to be assigned can be considered by this Court, because (1) there is no bill of exceptions; (2) there is no transcript of record in which reference is made to any of the occurrences upon which the errors assigned and sought to be assigned are based.

STATEMENT.

The plaintiffs in error were found guilty by a jury March 25, 1914, and on the same day sentences were pronounced by the court. (Rec.,[1] pp. 213, 214.) April 3 plaintiffs in error filed their petition for writ of error and supersedeas (Rec., p. 214), accompanying the petition with an assignment of errors (Rec., pp. 215–217), which was allowed the same day.

The term at which the judgments were entered and the writ of error allowed expired by operation of law and a new term began on the second Monday in April (Apr. 13, 1914), as expressly provided by section 34, c. 191, 31 Stat., 84. *In the interim, between March 25, when sentences were pronounced, and April 13, when, at the latest, the term of court*

[1] Wherever reference is made in this brief to "Record" the alleged "Transcript of Record" is intended.

ended, plaintiffs in error neither presented a bill of exceptions for settlement nor made any attempt to secure an order from the court or the consent of opposing counsel for an enlargement of the time within which to file their bill.

They next appeared in court at the succeeding term, April 18, 1914, and presented a motion, accompanied with a certificate of the "official stenographer," that he had been unable to prepare the transcript of evidence until that day, asking permission to file at that term a supplemental assignment of errors, which was exhibited with the motion. (Rec., pp. 222–226.) This motion was denied by the court July 23, 1914 (Rec., p. 234) no exception noted.

Thirty-eight days after the judgments were entered against them and *nineteen days after the expiration of the term of court* at which they were so entered—on May 2, 1914—plaintiffs in error filed a petition for an order enlarging the time within which to sign and allow and file a bill of exceptions (Rec., pp. 232, 233), which was denied by the court, and its action excepted to by plaintiffs in error May 4, 1914 (Rec., p. 233).

The rules of the United States District Court for Porto Rico (1 Porto Rico Fed., 1) then in effect made no provision whatever for the time within which settlement of bills of exception could be had. The new rules of that court (64) 6 P. R. Fed., lxv, lxvi, do, but they did not become effective until

July 15, 1914, and, of course, had no application to this case, nor were they complied with.

What is termed a "Transcript of Record" was finally printed and transmitted to this Court, the clerk for the United States District Court for Porto Rico certifying October 23, 1914 (Rec., p. 239):

> I, Antonio Aguayo, clerk of the District Court of the United States for Porto Rico, do hereby certify that the foregoing typewritten pages numbered 1 to 253,[1] inclusive, to be a true and correct copy of certain proceedings in the above-entitled cause, as called for by the præcipes filed by the counsel for the appellants, except the writ of error and citation, which are originals, and the transcript of record, said transcript being certified to by the official stenographer of the court.
>
> In testimony whereof I have hereunto set my hand and affixed the seal of said court this 23d day of October, A. D. 1914.

Subsequently, by stipulation of counsel dated May 21, 1915, certain docket entries of the trial court were added to the record. (Rec., pp. 239–241.)

The printed alleged "Transcript of record" has appended to it (Rec., pp. 242–452) what is termed a "Transcript of testimony," embodying what ap-

[1] The figures "253" in this certificate are patently wrong. The certificate follows immediately after page 353 of the original typewritten document (Rec., p. 238), and obviously the clerk meant to certify to pages 1 to *353*, inclusive.

parently purports to be the oral testimony adduced upon the trial, the objections of counsel, the various motions made, the rulings of the court, the exceptions taken, the demands for return of certain documents seized, and the charge of the court. It bears the following certificate (Rec., p. 451):

STENOGRAPHER'S CERTIFICATE.

> I, Arthur J. Harvey, official stenographer of the District Court of the United States for Porto Rico, hereby certify that the foregoing document, consisting of 391 typewritten pages, is a true and correct transcript of *all the oral testimony* given upon the trial of the case of *The United States* v. *Manuel Cerecedo et al.*, which was tried in the above-entitled court in the month of March, 1914; I further certify that I reported the said testimony at the time of said trial in shorthand and that the foregoing transcript was made in part by me from my shorthand notes and that the balance thereof was dictated to two other stenographers and the transcript made by them was thereafter compared by me with my original shorthand notes taken at the time of the trial.
>
> ARTHUR J. HARVEY,
> *Official Stenographer of the District Court of the United States for Porto Rico.*

1. *Unless an order of the court or a consent agreement enlarging the time and permitting the settlement and filing of a bill of exceptions at a subsequent term is obtained during the term at which*

the judgment is entered, or a standing rule of the court permits, no bill can thereafter be settled and filed.

As to this, Mr. Justice Gray, speaking for the Court, said in *Michigan Insurance Bank* v. *Eldred* (1892), 143 U. S., 293, 298:

> By the uniform course of decision no exceptions to *rulings at a trial* can be considered by this court unless they were taken at the trial and were also embodied in a formal bill of exceptions presented to the judge at the same term, *or within a further time allowed by order entered at that term, or by standing rule of court, or by consent of* parties; and, *save under very extraordinary circumstances,* they must be allowed by the judge and filed with the clerk during the same term. After the term has expired, without the court's control over the case being reversed by standing rule or special order, and *especially after a writ of error* has been entered in this court, all authority of the court below to allow a bill of exceptions then first presented, or to alter or amend a bill of exceptions already allowed and filed, is at an end.

See also

United States v. *Jones* (1893), 149 U. S., 262, 263;

Morse v. *Anderson* (1893), 150 U. S., 156, 158;

Franklin County v. *Furry* (1906, C. C. A., 7th Circ.), 144 Fed., 663, 664.

Plaintiffs in error do allege in their petition, filed May 2, for an enlargement of time within which to have their bill of exceptions settled, that they had been prevented from doing so by the "extraordinary circumstances" set out; that is, the brief period—March 25 to April 13—intervening sentence and adjournment of the term; but this in no wise explains or excuses their failure *during this period*, assuredly ample, to apply for an order or attempt, prior to expiration of the term, to secure consent of opposing counsel for an extension of the time.

Each of the assignment of errors filed and of the supplemental errors attempted to be assigned relates to occurrences at the trial, and to the admission or refusal to admit evidence; and hence can not be considered in the absence of a bill of exceptions.

Mr. Justice Pitney said in *Porto Rico* v. *Emmanuel* (1914), 235 U. S., 251, 255:

> In the absence of a bill of exceptions, *questions respecting the admissibility of evidence* are of course excluded from our consideration, and the review is confined to what appears upon the face of the pleadings and the findings.

As to the effect of the lack of a bill of exceptions under such circumstances, see also *Kinney* v. *U. S. Fidelity Co.* (1910), 222 U. S., 283, 284.

> *Guild* v. *Frontin* (1855), 18 How., 135;
> *Suydam* v. *Williamson* (1857), 20 How., 427, 433;

Pomeroy's Lessee v. *Bank of Indiana* (1863), 1 Wall., 592, 604;

Storm v. *United States* (1876), 94 U. S., 76, 77;

Claassen v. *United States* (1891), 142 U. S., 140, 147;

Met. R. R. Co. v. *District of Columbia* (1904), 195 U. S., 322, 330, 332;

Gonzales v. *Buist* (1912), 224 U, S., 126, 130.

2. *Assuming that this Court, at its option, may examine the testimony and proceedings below, brought up in a proper transcript of record, even in the absence of a bill of exceptions, where the assignments of error may be sustained by references to such a transcript, there is no proper transcript whatever before the Court of the testimony or the proceedings in the trial below.*

There is a partial record properly authenticated; but none of the errors assigned or sought to be assigned can be solved by reference to the record properly before the Court.

As heretofore pointed out, the " Transcript of record " contains what is styled a " Transcript of testimony," which is certified to by the " official stenographer " for the court below as a " true and correct transcript of *all the oral testimony given* upon the trial."

There is nothing sacrosanct about an " official stenographer " and no essential authority about his certificate. In the absence of statutory provision,

his certificate has no more validity than a certificate by counsel in the case that his own longhand notes contained a true transcript of proceedings would have. Still less attention is to be given to such a certificate when, as here, it does not even purport to be a certificate as to all the proceedings at the trial, but only as to "all the oral testimony given upon the trial."

Even if any transcript of testimony or proceedings is to be considered in lieu of a bill of exceptions it must at least be authenticated by the signature of the judge, but neither this nor an agreement of counsel, or even the certificate of the clerk, appear here.

Mr. Justice Harlan, discussing the suggested insertion of certain documents in a record brought up to this Court in *Bassing* v. *Cady* (1908), 208 U. S., 386, 388–9, said:

> There was some difference of opinion between counsel upon the question whether certain papers, printed by the defendant, constituted any part of the record which this court could examine upon the present writ of error. While this is not an important matter in view of our conclusion as to the controlling questions in the case it is appropriate to say that, on appeal or writ of error to this court, papers or documents used at the hearing in the court below can not in strictness be examined here unless they are made part of the record by bill of exceptions or *in some other proper mode.*

In *Clune* v. *United States* (1895), 159 U. S., 590 (quoted with approval in *Met. R. R. Co.* v. *District of Columbia,* 195 U. S. (1904), 322, 332), discussing a claim of error in the instructions, Mr. Justice Brewer for this Court said (p. 593):

> But the difficulty with this is that they are not *legally* before us. True, there appears in the transcript that which purports to be a copy of the charge, *marked by the clerk as filed in his office* among the papers in the case; but *it is well settled that instructions do not in this way become* part of the record. *They must be incorporated in a bill of exceptions, and thus authenticated by the signature of the judge.* This objection is essentially different from that of the lack or the sufficiency of exceptions. An appellate court considers only such matters as appear in the record. From time immemorial that has been held to include the pleadings, the process, the verdict, and the judgment, and such other matters as *by some statutory or recognized method* have been made a part of it.

See also *Hanna* v. *Maas* (1887) 122 U. S., 24 (p. 26): Minutes of the judge or clerk, *or notes of a stenographer,* can not take the place of a bill of exceptions, but are only memoranda by the aid of which one may afterwards be drawn up.

Young v. *Martin* (1869), 8 Wall., 354 (quoted with approval in *Malong* v. Adsit, (1899), 175 U. S., 286;

Kinney v. *U. S. Fidelity Co.* (1910), 222 U. S., 283;

Redfield v. *Iron Co.* (1884), 110 U. S., 174.

A case directly in point is *Knight* v. *Illinois Cent. R. R. Co.* (C. C. A., 6th Circ., 1910), 180 Fed., 368, in which the court said (p. 371):

> The transcript contains no bill of exceptions. *There is sent up a document certified by the official stenographer to be a correct copy "of all the evidence introduced and heard, and offered to be introduced and rejected, and all the exceptions, objections, and avowals, concerning the same, as well as* all papers and exhibits offered to be or used as evidence in the trial." *This paper is not signed by the judge, nor is it in any way authenticated by him. A bill of exceptions not actually signed by the judge must be disregarded.* * * * We must therefore *disregard* the *assignments of error* referred to.

Another case strongly in point is *Rupert* v. *United States* (1910, C. C. A., 8th Circ.), 181 Fed., 87.

SUMMARY.

The paper entitled "Transcript of testimony" (Rec., pp. 242–452) partially certified to by the stenographer was not properly authenticated at all; it is improperly in the record; it has no legal effect; it can not take the place of a bill of exceptions; and it can not be considered in this court for any purposes. If it is not properly here, in the absence of a bill of exceptions, the errors assigned and

attempted to be assigned are without any support whatever; hence it is respectfully submitted that they can not be considered, and there remains nothing for this court except to dismiss the appeal or affirm the case.

The usual procedure has been to affirm the case:

Pomeroy's Lessee v. *Bank of Indiana* (1863), 1 Wall., 592, 604;

Guild v. *Frontin* (1855), 18 How., 135;

Mussina v. *Cavazos* (1867), 6 Wall., 355, 363;

Met. R. R. Co. v. *District of Columbia* (1904), 195 U. S., 322, 332;

Gonzales v. *Buist* (1912), 224 U. S., 126, 131.

II.

The action of the court in declining to permit the filing of the supplemental assignment of errors offered after the close of the term at which the judgments were entered was correct.

The supplemental errors assigned by plaintiffs in error were presented to the trial court at the succeeding term, April 18, 1914 (Rec., pp. 220–226), 25 days after judgments were entered and 16 days after the petition for writ of error was allowed. The motion to be allowed to file was overruled July 23, 1913 (Rec., p. 234), and no exception was ever taken to this action of the court.

It seems apparent that no authority rested in the court to permit the filing of a supplemental assign-

ment of errors. Mr. Justice Lurton in *Columbia Heights Realty Co.* v. *Rudolph* (1910), 217 U. S., 547, 551, seems to have disposed of this question.

See also *Behn* v. *Campbell* (1907), 205 U. S., 403, 409.

Michigan Bank v. *Eldred* (1892), 143 U. S., 293, 298.

Especially is it beyond the power of the court to allow amendment of or the assignment of additional errors after a writ of error has been allowed and the term at which allowed has expired.

Even if the lower court had authority, the refusal or allowance of the additional assignment of error was purely discretionary.

III.

(1) The motions for a return of the papers alleged to have been illegally seized were made during the course of the trial, and, as they raised a purely collateral issue, were properly denied under the doctrine of Weeks v. United States (1914), 232 U. S., 383.

The Government contends that the writ of error should be dismissed upon the ground that the case involves no substantial constitutional question.

Under section 244 of the Judicial Code of the United States governing writs of error and appeals to this court from the District Court of Porto Rico, this case can be brought here only on the ground of a denial of a constitutional right, as it presents no other question which would come within the provisions of the sections above referred to.

It is definitely settled that to give this Court jurisdiction on a direct appeal or writ of error from the district court on the ground of a constitutional question, "such question must be real and substantial and not a mere claim in words." (*Farrell* v. *O'Brien* (1905), 199 U. S., 89, 100; *Kaufman and Sons Co.* v. *Smith* (1910), 216 U. S., 610; *Yeung How* v. *North* (1911), 223 U. S., 705; *Brolan* v. *United States* (1915), 236 U. S., 216.)

An examination of the facts in this case and the errors assigned discloses no constitutional question meeting this test. The questions raised by plaintiffs in error in so far as the Fourth and Fifth Amendments to the Constitution are involved are clearly settled by the decision in *Adams* v. *New York* (1904), 192 U. S., 585, 594, and *Weeks* v. *United States* (1914), 232 U. S., 383.

When the motion for the return of the papers taken from Cerecedo was made, one witness had already been examined and had left the stand, and the motion was made during the examination of a second witness. (Rec., p. 255.)

The motion for the return of the papers taken from Valle was not made until the third day of the trial. (Rec., p. 278.)

In *Weeks* v. *United States* (1914), 232 U. S., 383, it was held that upon a motion made *before trial* it was the duty of the court to order the return of papers which had been taken from the defendant without a search warrant and in violation of his constitutional rights.

The distinction between an application of this kind made *before trial* and an application made *during the course of the trial* is as obvious as it is important. In the latter case, the court, if it were to entertain such a motion, would be compelled to halt the orderly course of the trial in order to determine a purely collateral issue. The procedure approved in the *Weeks case* is designed particularly to avoid such unseemly interruptions, and at the same time to provide any person wronged by unlawful seizures an adequate remedy. If, as in the case at bar, he does not avail himself of his remedy in seasonable time he can not complain.

It is evident that the roots of the *Weeks* decision reach down to the well-recognized principle that a man may waive his constitutional rights by failing to assert them at the proper time, and it is for the court to decide what conduct shall be deemed to constitute such a waiver (*Powers* v. *United States* (1912), 223 U. S., 303, 313, 314; *Diaz* v. *United States* (1912), 223 U. S., 443, 450; *Pierce* v. *Somerset Ry.* (1898), 171 U. S., 641, 648; *Shepard* v. *Barron* (1904), 194 U. S., 553, 565; *Grand Rapids & Indiana Ry. Co.* v. *Osborn* (1904), 193 U. S., 17, 29), provided that the right waived does not involve deprivation of life or liberty in which the public has an interest as great as that of the individual. (*Hopt* v. *Utah* (1884), 110 U. S., 574, 579; *Diaz* v. *United States, supra*). In respect to the constitutional right contained in the Fourth Amendment, this Court has, in effect, held that failure to assert

such right prior to trial will constitute a waiver. In the case at bar, such a decision is peculiarly appropriate and just, inasmuch as the statutes of Porto Rico expressly provide a method by which the legality of a search warrant and seizure thereunder may be tested by a person alleging to have been wronged—see Code of Criminal Procedure of Porto Rico, secs. 517, 518. Inasmuch as the plaintiffs in error wholly omitted to take any step to protect their rights at the time and in the way pointed out by this statute, and instead, waited until their trial in another court had actually begun, they clearly have no standing in this Court to urge that they have been deprived of any constitutional right, save by their own wilful neglect.

The plaintiffs in error on page 5 of their brief admit that their motions were made too late to come within the rule laid down in the *Weeks case,* but plead extenuating circumstances in that the decision in the *Weeks case* had been too recently made for it "to have been assimilated by the bench and bar of the island." We are unwilling to concur in such a sweeping indictment of the learning of our Porto Rican brethren. The *Weeks case* did not change the law, but merely confirmed a rule already existing. The practice there indicated had been perfectly well recognized in the Federal courts before that case was decided:

United States v. *Wilson* (1908), 163 Fed., 338.

United States v. *Mills* (1911), 185 Fed., 318.

United States v. *McHie* (1912), 194 Fed., 894.

United States v. *Mounday* (1913), 208 Fed., 186.

And it has been followed since:

United States v. *Hart* (1914), 214 Fed., 655.

The point urged that at the time the application was made for a return of the Cerecedo papers no witnesses had been heard except in regard to the issue and execution of the Cerecedo search warrant (Plaintiffs in Error's Brief, p. 16) is without value. It would be impossible for any court to fix a precise time during the trial of a cause before which such a motion would be proper. The only rule which can be effectively applied without confusion is that affirmed in the *Weeks case* requiring seasonable application *before trial.* This is not a mere technical rule of procedure. It vitally concerns the efficient administration of the law and the orderly trial of criminal cases. Without it a case might be indefinitely protracted and confused by repeated motions of defendants upon collateral matters.

In order to realize the extent of the collateral matters which the court would have been obliged to stop the jury trial to consider, we set out the many points on which the defendants attacked the evidence offered by the Government: (1) Because

in the affidavit on which the warrant was issued the affiant did not swear to any knowledge of his own; (2) because the warrant did not properly describe the property; (3) because books and papers other than the lottery tickets described were seized; (4) because the name of the insular policeman did not appear. It is to be noticed that a United States judge was asked to halt a criminal jury trial in a Federal court in order to pass upon the validity of each of these points raised by the defendants for the first time at the trial *and relating entirely to matters which had taken place in the Municipal Court of Porto Rico and to actions by a municipal court magistrate, a detective chief of the bureau of information, or insular policeman.* The Federal judge presiding was clearly right in ruling (Rec., p. 245) that " the objection is made as a collateral attack upon a paper which is the basis of judicial action in another court and will not be sustained." Surely his refusal was not merely an adherence " to mere unsubstantial niceties of formal procedure," as stated by plaintiffs in error (Brief, p. 17), but was based on well-grounded principle, as stated by him (Rec., pp. 254, 255; see especially p. 279).

Plaintiffs in Error lay great stress upon the application made to the United States attorney for return of the papers prior to the trial. (Plaintiffs in Error's Brief, pp. 4, 18–19.) As to this, it is to be noted that the papers in question were seized in a proceeding in the Municipal Court of Porto Rico on a complaint charging a violation of the local

Porto Rico Code. The proceeding in which the United States attorney was acting when application was made to him was an indictment in the Federal Court for violation of the Federal Penal Code. There is nothing whatever in the record to show that when application was made to the United States attorney he was in possession of the papers seized in the other proceeding. But even if he had the papers, application to him was not application to the court. The latter alone was capable of adjudging the lawfulness of the seizure on a motion or petition filed in proper time.

(2.) Evidence which is relevant to the issue can not be excluded because it was unlawfully obtained.

This has been established law in England since 1740 and was clearly held by this Court in *Adams* v. *New York, supra.*

There the defendant was charged with having in his possession, knowingly, certain policy slips used in a gambling game known as " policy," in violation of the penal laws of New York. His premises had been raided by the police, whose testimony was to the effect that one of their number had a search warrant (as appears from the record in the case). Upon this raid the police seized a quantity of policy slips, and also a quantity of private papers having nothing to do with the offense charged.

Upon the trial, some of these private papers were admitted in evidence, for purposes of handwriting comparison, tending to show the defendant's conscious custody of the policy slips. Their admission

was objected to by defendant upon the ground that they had been seized in violation of the defendant's rights under the Fourth Amendment securing the people against unreasonable searches and seizures. This Court *held* that the admissibility of evidence was to be determined solely by its relevance and competency, and not by the legal or illegal means by which it was obtained (citing Greenleaf on Evidence, section 254a, and decided cases).

The rule so laid down in the *Adams case* is reaffirmed in *Weeks* v. *United States, supra,* and the *Weeks case* itself carefully distinguished upon the ground that in the latter case it was not a question of the admission or exclusion of evidence, but of whether the plaintiff in error upon a direct motion to the court before trial was entitled to have the papers returned to him.

The plaintiffs in error attempt to evade the *Adams case* upon the ground that the papers were there seized under a *valid* search warrant, saying:

> In the *Adams case* the warrant had been held to be legal and valid *per se.* (Plaintiffs in Error's Brief, p. 17.)

We submit that on the contrary the holding in the *Adams case* was that for the purpose of the admission or exclusion of evidence the manner in which the evidence was obtained—whether under an illegal warrant, in excess of the authority conferred by a legal warrant, or without any warrant at all—is absolutely immaterial.

This is made plain in the later case of *Holt* v. *United States* (1910), 218 U. S., 245, 253, where the Court said:

> Moreover we need not consider how far a court need go in compelling a man to exhibit himself. For when he is exhibited whether voluntarily or by order, *and even if the order goes too far*, the evidence, if material, is competent. *Adams* v. *New York*, 192 U. S., 585.

Moreover, it is not true that in the *Adams case* the warrant had been held to be "legal and valid *per se.*" (Plaintiffs in Error's Brief, p. 17.) An examination of the record in that case discloses not only that the search warrant was not in evidence or set forth in the record, but that evidence offered by the defense to show that there was *no search warrant at all* was excluded by the trial court as immaterial. We reproduce here the pertinent portions of the record in the *Adams case* upon this point (*Adams* v. *New York, supra*, Rec. pp. 81–82):

> Q. Was there any search warrant for searching the premises of 40 West Thirty-fourth Street?
>
> Mr. SCHURMAN (for prosecution). I object to that question. How is it material? He has already stated that he is not one of the men who went to Thirty-fourth Street.
>
> Mr. RIDGWAY. Where is the search warrant?
>
> Mr. SCHURMAN. That is what I would like to know.

Mr. RIDGWAY. And where is the officer that executed it?

Mr. SCHURMAN. The paper has disappeared.

Q. After this raid were you asked to make a return upon a search warrant, as if it had been executed, when no such search warrant had been executed? Were you asked to make a return on a search warrant to make it appear that it had been executed at 40 West Thirty-fourth Street when there was no such search warrant?

Objected to; objection sustained; exception.

Q. Were you asked after the 12th of December to make a return upon the back of a search warrant purporting to show that a search warrant had been properly issued, and that it had been executed at 40 West Thirty-fourth Street, when no such warrant was in existence at the time of the raid?

Objected to; objection sustained; exception.

And on page 13 of the plaintiff in error's brief in the *Adams case* the following comment appears:

> Upon the trial no search warrant was produced, but when the defendant offered testimony to the effect that none had ever existed, he was not allowed to do so; and when he demanded the production of the search warrant, the district attorney replied that the paper had disappeared.

This shows the *Adams case* to be an even stronger authority for the Government than would appear upon the face of the opinion of this Court.

See on this subject the careful discussion in Wigmore on Evidence, vol. 3, secs. 2263, 2264, and note.

(3) While, as we have shown, the question of the legality of the search is absolutely immaterial in considering the admissibility of evidence obtained by it, we may point out, in passing, that the seizure of these Cerecedo papers was in fact justified upon another well-settled principle. The search warrant was not needed that the officers might legally search the premises, for not only did the search warrant itself include an order of *arrest*, but it is a matter of record that in addition to that instrument a separate order of arrest was issued against Cerecedo (Rec., pp. 243, 245), and that at the very time of the search Cerecedo was arrested thereunder (Rec., pp. 245, 246, 249). Such an order of arrest was clearly authorized under section 299 of the Porto Rico Penal Code, which provides that if a person makes oath before a municipal judge—

> " that he believes, or has probable cause to believe, that a house or other building, room, or place is unlawfully * * * used or kept for promoting a lottery, or for the sale of lottery tickets * * * such * * * municipal * * * judge shall, in case satisfactory evidence is presented, issue a warrant commanding any marshal or police officer to enter such house, building, room,

or place and to arrest the keepers thereof," etc.

(The section also authorizes seizure of "lottery tickets or other implements, apparatus, or materials of any form of gaming.")

It also appears (Rec., p. 243) that in addition to the affidavit upon which the Cerecedo search warrant was issued there was "some more evidence in regard to the same matter," and that a complaint was filed, presumably in accordance with section 22 of the Porto Rico Penal Code, providing for the commencement of criminal proceedings before a justice of the peace by sworn complaint of the complaining witness. Section 24 of the Porto Rico Penal Code provides that if the justice of the peace "is satisfied that the complaint contains an offense, he shall make a brief investigation, hearing witnesses, so as to ascertain the person or persons who have committed the same." By an act of the Porto Rico Legislature, passed February 25, 1911, page 60 (Revised Statutes of Porto Rico (1911), p. 247, secs. 1171, 1173), the duties of the several justices of the peace were transferred to the several municipal judges. The additional evidence presented to the municipal judge is not set out in the record, but the judge evidently considered it sufficient, and in the absence of anything to show that his action in that respect was improper it is obviously impossible for this Court to go behind his findings and say either that the warrant was issued without probable

cause or that there was insufficient evidence to justify Cerecedo's arrest. Indeed, the action of the municipal judge is shown, by the evidence brought out at the trial, to have been amply justified.

The principle has long been established in England and in this country that where a person is legally arrested for crime it is the duty, as well as the right, of the officer making the arrest to seize any evidences of the crime charged which may be found on the person or premises of the offender. This right is expressly recognized by this Court in the *Weeks case, supra:*

> It [the *Weeks case*] is not an assertion of the right on the part of the Government, always recognized under English and American law, to search the person of the accused when legally arrested to discover and seize the fruits or evidences of crime. This right has been uniformly maintained in many cases.

In *United States* v. *Mills* (1911), 185 Fed., 318, 319, it was said:

> From time immemorial an officer making a lawful arrest on a criminal charge has taken into his possession the instruments of the crime and such other articles as may reasonably be of use as evidence on the trial.

See also:

Newberry v. *Carpenter* (1895), 107 Mich., 567;

United States v. *Wilson* (1908), 163 Fed., 338, p. 340;

United States v. *Hart* (1914), 214 Fed., 655, 662;
Spalding v. *Preston* (1848), 21 Vt., 15;
Reifsnyder v. *Lee* (1876), 44 Iowa, 101;
Rex v. *O'Donnell* (1835), 7 C. & P., 138;
Rex v. *Burgess* (1836), 7 C. & P., 488.

The papers and documents taken from Cerecedo's premises at the time of his arrest there were not mere private papers having nothing to do with the crime charged. They all bore an intimate connection with the business of selling lottery tickets in violation of the Porto Rican Code for which Cerecedo was arrested. As evidences and instruments of the crime charged, their seizure was perfectly justified under the authorities cited above and many others which might be cited to the same effect.

The fourth amendment was not designed to protect criminals in the possession and use of the tokens, devices, and evidences of their criminal activity.

IV.

The admission of these papers in evidence did not compel the plaintiffs in error to be witnesses against themselves within the meaning of the Fifth Amendment.

The contention that the admission of these papers and documents in evidence compelled the plaintiffs in error to be witnesses against themselves in violation of the Fifth Amendment has been definitely settled in this court.

Adams v. *New York, supra,* page 597 (speaking of *Boyd* v. *United States* (1886), 116 U. S., 616):

> That case presents the question whether one can be compelled to produce his books and papers in a suit which seeks the forfeiture of his estate on pain of having the statements of Government's counsel as to the contents thereof taken as true and used as testimony for the Government. * * * This case has been cited and distinguished in many of the cases from the State courts which we have had occasion to examine.

And speaking of the papers seized and introduced in evidence in the *Adams case* (pp. 597–598):

> We think there was no violation of the constitutional guaranty of privilege from unlawful search or seizure in the admission of this testimony. *Nor do we think the accused was compelled to incriminate himself.* He did not take the witness stand in his own behalf, as was his privilege under the law of the State of New York. He was not compelled to testify concerning the papers or make any admission about them.
>
> * * * * *
>
> *In Boyd's case the law held unconstitutional, virtually compelled the defendant to furnish testimony against himself in a suit to forfeit his estate, and ran counter to both the fourth and fifth amendments.* [Italics ours.]

See also:

Hale v. *Henkel* (1906), 201 U. S., 43; 71–73, where the *Boyd case* is similarly distinguished.

Interstate Commerce Commission v. *Baird* (1904), 194 U. S., 25.

The soundness of the distinction is sustained by Prof. Wigmore, who says (Wigmore on Evidence, Vol. III, sec. 2264):

> * * * The production of documents or chattels by a person (whether ordinary witness or party witness) in response to a subpœna, or to a motion to order production, or to other form of *process treating him as a witness* (i. e., as a person appearing before the tribunal to furnish testimony on his moral responsibility for truth telling) may be refused under the protection of the privilege; and this is universally conceded. * * *
>
> * * * On the other hand, documents or chattels obtained from the person's control *without the use of process against him as a witness* are not in the scope of the privilege, and may be used evidentially; for obviously the proof of their identity, or authenticity, or other circumstances affecting them, may and must be made by the testimony of other persons, without any employment of the accused's oath or testimonial responsibility.
>
> * * * * *
>
> This distinction has received repeated illustration and almost universal acceptance,

> in a variety of applications to documents and chattels obtained by search or seizure independent of testimonial process.

And, as Mr. Justice Holmes said in *Matter of Harris* (1911), 221 U. S., 274, 279: "The right not to be compelled to be a witness against oneself is not a right to appropriate property that may tell one's story."

In the case at, bar no attempt was made to compel the plaintiffs in error to testify or to produce documentary evidence against themselves.

The mere fact that some of the papers admitted were written by the defendants, or any of them, does not change the rule. The papers admitted in the *Adams case* were of just that kind. That case is indeed stronger than this, because there the papers themselves had nothing to do with the crime charged and were admitted in evidence solely for purposes of handwriting comparison.

The Fifth Amendment has, therefore, no application to the admission in evidence of the documents and papers here involved.

There are, it is true, a few cases, adopting a different view; see:

> *State* v. *Height* (1902), 117 Iowa, 650;
> *State* v. *Sheridan* (1903), 121 Iowa, 164;
> *Blum* v. *State* (1902), 94 Md., 375;
> *State* v. *Slamon* (1901), 73 Vt., 212.

But these cases are based upon and purport to follow mere *obiter* expressions found in *Boyd* v.

United States, which have led a few courts to adopt the erroneous view that the fifth amendment compels the exclusion as evidence of documents obtained by an unlawful seizure. (See Wigmore on Evidence, Vol. III, sec. 2264, p. 3127.) The case of *United States* v. *Wong Quong Wong* (1899), 94 Fed., 832, is open to the same criticism.

V.

The clauses of the Fourth and Fifth Amendments of the United States Constitution are not applicable and in force in the unincorporated territory of Porto Rico and Congress has never legislated for that territory in respect thereto.

While, as pointed out by the plaintiffs in error (Brief, p. 9), the Porto Rico organic act provided for a review by this Court "in all cases where the Constitution of the United States is brought in question * * * and the right claimed thereunder is denied," this sheds no light upon the question *how far the Constitution is applicable to Porto Rico, or to what extent its applicable provisions are operative.* A similar provision in the organic act for the Philippine Islands (act of July 1, 1912, 32 Stat., 695, sec. 10) did not prevent this Court from holding that the provisions of Article 3, section 2 of the Constitution and of the Sixth Amendment, relating to trial by jury, were not applicable to the Philippines, *Dorr* v. *United States* (1904), 195 U. S., 138; and the same point had already been decided as to Hawaii, where a like right to review

by this Court existed, *Hawaii* v. *Mankichi* (1903), 190 U. S., 196; act of April 30, 1909, sec. 86 (31 Stat., 158).

The Government assumes that the doctrine upheld by Mr. Justices Brown, White, McKenna, Holmes, and Day in *Hawaii* v. *Mankichi* (1903), 190 U. S., 197, is to-day that which is to be applied in testing the question whether a person in unincorporated territory of the United States may invoke protection or claim rights under the first eight amendments to the Constitution. The test, as we understand it, is whether the particular right is one of those " fundamental provisions of the Constitution which were by their own force applicable to the territory with which Congress was dealing." (See Mr. Justice White, Mr. Justice McKenna, concurring, *ibid*, p. 221; and see Mr. Justice White in *Downes* v. *Bidwell* (1901), 182 U. S., 244, pp. 293–294.) This statement of the doctrine still leaves undisclosed the exact touchstone by which can be ascertained the provisions so applicable.

As stated by Mr. Justice Day in *Dorr* v. *United States* (1904), 195 U. S., 138, for the Court (consisting of Mr. Justices White, McKenna, and Holmes, and five members now no longer members of the Court), Congress, in respect to unincorporated territory, is subject to such constitutional restrictions upon its powers "as are applicable to the situation" (p. 143). In deciding whether a right to trial by

jury was " a fundamental right which goes wherever the jurisdiction of the United States extends," Mr. Justice Day intimated that the " needs or capacities of the people," and their " established customs," were to be considered. And Mr. Justice White, in *Rasmussen* v. *United States* (1905), 197 U. S., 516, 520, states that the decision of the *Dorr case* was made " in view of the status of the Philippine Islands."

No distinct standard, however, has yet been established by this Court by which the applicability of any special clause of the Constitution to unincorporated territory can be known in advance.

The doubtful situation has been only cleared to the following extent:

Article I, section 8, as to uniformity of duties, etc., did not apply to Porto Rico. *Downes* v. *Bidwell* (1901), 182 U. S., 244.

The Fifth and Sixth Amendments as to grand juries and trial by jury did not apply to Hawaii. *Hawaii* v. *Mankichi* (1903), 190 U. S., 196.

The Fifth Amendment as to grand juries did not apply in the Philippine Islands. *Dorr* v. *United States* (1904), 195 U. S., 138, *Ocampo* v. *United States* (1914), 234 U. S., 91.

Whether the Fifth Amendment as to jeopardy applied in the Philippine Islands without Congressional action is undecided. *Kepner* v. *United States* (1904), 195 U. S., 100.

The Sixth Amendment as to right of accused to meet witnesses face to face is thus spoken of in *Dowdell* v. *United States* (1911), 221 U. S., 325:

> But this general rule of law embodied in the Constitution and *carried by statute to the Philippines,*

leaving it doubtful whether it was in force there *proprio vigore.* See also *Diaz* v. *United States* (1912), 223 U. S., 443, 450.

If the Sixth Amendment and the first clause of the Fifth Amendment, with reference to the grand jury, are not in force in unincorporated territory, it is difficult to see how the subsequent clause of the Fifth Amendment, prohibiting compulsory testimonial incrimination, is in force, or the clause of the Fourth Amendment as to unreasonable search and seizure. Can it be said that these clauses establish rights so inherent in the spirit of all government as necessarily to accrue to the inhabitants of newly acquired and unincorporated territory? The conception of what are such fundamental, inalienable rights varies from generation to generation; and the failure of Congress by statute to extend specifically certain rights should be entitled to great, if not exclusive, weight.

The privilege against compulsory self-incrimination has been declared to be not one of the fundamental inalienable rights of all free citizens. After an exhaustive consideration of the origin, history, and reason of this clause of the Fifth Amendment

this Court, in *Twining* v. *New Jersey* (1908), 211 U. S., 78, held that compulsion by a State of a defendant to incriminate himself was not prohibited by the due-process clause.

The right to be free from unreasonable searches and seizures is no more inherent in free citizenship than the right not to incriminate oneself. It is no more necessary to be imposed immediately upon communities not accustomed to the privilege than is the right to trial by jury.

Historically, also, the right against unreasonable search and seizure does not rank with the principle established in Magna Charta prohibiting the taking of life and property without due process of law. Its definite establishment as a doctrine of common law was, at the time of the framing of the Constitution, very recent—within 22 years. It took its form in the Constitution from the Declaration of Rights XIV in the Massachusetts constitution of 1781 and the Virginia Bill of Rights, section 10, of 1776. The obnoxious general writs of assistance denounced by James Otis in 1761 in *Paxton's case,* Quincy's Rep. 51, had been very commonly granted in England since the time of Charles II. Watson on the Constitution (1910), Vol. II, p. 1417.

In Appendix I of Quincy's (Mass.) Reports, a long article by Horace Gray (later Mr. Justice Gray of this court) on writs of assistance, recites numerous precedents for the use of writs of assist-

ance in the colonies (p. 401 et seq.; see especially pp. 432, 434, 465).

> (p. 532:) It must be admitted that in practice general writs of assistance were commonly used in England.
>
> (p. 535:) But in England the practice of issuing general writs of assistance continued until 1807. * * *

General search warrants were not definitely held illegal in England until 1765; per Lord Camden, in *Entick* v. *Carrington,* 19 *Howell's State Trials,* pp. 1063 et seq.

Indeed, Stimson in his Law of the Federal and State Constitutions of the United States (1908), says (note 10, p. 149):

> This may be said to be the only constitutional principle first established in America and afterwards adopted in England.
>
> (p. 45:) The last significant innovation, and not the least important, made by American constitutions is the prohibition of general warrants, the exercise by the Government of the power to search places or seize persons with no specific charge and without a sworn warrant specifying an offense, the persons to be seized, and the objects of seizure. This principle, originating in Massachusetts 10 years before the Revolution, became later (1765) indeed a constitutional principle in England, but is not, of course, expressed in any of the so-called constitutional docu-

> ments, which are usually considered as terminating with the Act of Settlement.
> * * *

Hannis Taylor, in his Origin and Growth of the American Constitution (1911), says as to this clause of the fourth amendment (p. 234):

> The motive of this article was to embody in American constitutional law the fruits of the victory won in England in 1765 when what are known as general warrants were declared illegal.

See also, as to the history of the origin of this clause Cooley's Constitutional Limitations (1903, 7th Ed.), pp. 424 et. seq.

In New York the State constitution contains no prohibition against unreasonable searches and seizures similar to the fourth amendment.

The principle is, of course, no part of the continental police system in Europe (Lieber on Civil Liberty and Self Government, p. 61); nor presumably in Porto Rico prior to American occupation.

Suppose the United States flag should become permanently placed over an island in the Pacific, a condition of general sedition exists, and treasonable projects secretly encouraged by individuals not in sympathy with the new nation threaten the destruction of peace and order. At the same time, suppose the island is accustomed to the most vigorous and thoroughgoing spying system; Government

officials have long opened any letters whatever passing through the mail in order to get information. Letters passing through the mail in the United States are within the protection of the Fourth Amendment. (*Ex parte Jackson* (1877), 96 U. S., 727, 733.) The spying system may have become so ingrained and its necessities in maintaining a stable government in peaceful control so great as to be regarded by the people as a not unreasonable restriction on their liberty and property. Immediately upon the peaceful occupation of the island by the United States, and despite the expressed determination of Congress to the contrary, must this practice, locally regarded as beneficial, become illegal?

In this light, those decisions holding that, so far as the Federal Constitution is concerned, the States are not prohibited from making unreasonable searches and seizures are persuasive. *Nat. Safe Dep. Co.* v. *Ill.* (1914), 232 U. S., 58; *Weeks* v. *United States* (1914), 232 U. S., 383. For under the Fourteenth Amendment, if an unreasonable search and seizure amounted to a deprivation of life or property without due process of law in each case the States would be thus limited.

Often what is an unreasonable search and seizure may amount to a deprivation of liberty and property without due process of law. But this need not always be the case. And unless the search and seizure amounts to a deprivation of liberty or prop-

erty without due process of law it is submitted that the violation is not of a fundamental right of the individual inherent in a system of unincorporated territorial government.

It is far from the present contention to make any suggestion that the prohibition in the Fourth Amendment is not salutary, or that there should be the least weakening in its enforcement *wherever it applies*. Simply is it submitted that in the future the political departments in treating of the acquisition of territory may deem it essential temporarily not to require the enforcement of the Fourth Amendment in its full vigor, while insisting upon full compliance with the guaranty that property, life, and liberty shall not be taken without due process of law. The question in such form is essentially political. The hands of the political department ought not to be tied by a decision in this case.

If it is possible for Congress to settle the matter by legislative act it has done so in this case. The provisions of the Fourth and Fifth Amendments have been definitely extended to the Philippines (act of July 1, 1902, sec. 5, 32 Stat., 691), and to Hawaii (act of Apr. 30, 1900, sec. 5, 31 Stat., 141); but, although these acts were passed at about the same time that the organic act of Porto Rico was passed, act April 12, 1900, 31 Stat., 77, known as the Foraker Act, the Foraker Act contains no provision to this effect. The intention of Congress, negatively expressed, is plain. The various proposals for a

new organic act for Porto Rico, the Shafroth bill, senate bill No. 4604; the Saulsbury bill, Senate bill 5845; the Jones bill, House bill No. 14866; the Rivera bill, House bill 13979, all introduced in the Sixty-third Congress, but not enacted, all contain provisons similar to the terms of the Fourth Amendment.

VI.

The Fourth and Fifth Amendments of the United States Constitution operate only against the Federal Government, its officers and agents. They do not apply to the action of a local territorial officer.

In the present case the search and seizure was by an insular detective under warrant issued by a Porto Rico municipal judge and on complaint under the local Porto Rico law. It was not issued in the proceeding on the indictment at the case at bar in the Federal court.

Even if this court shall hold, in opposition to the Government's argument, that the Fourth and Fifth Amendments are applicable *proprio vigore* to the unincorporated territory of Porto Rico, it is still true that they only apply in cases of action by the Federal Government.

> "These amendments demanded security against the apprehended *encroachments of the General Government*—not against those of the local governments." *Barron* v. *Baltimore* (1833), 7 Peters, 243, 250.

"They are exclusively restrictions *upon Federal power.*" *Fox* v. *Ohio* (1847), 5 How., 410, 434.

"Designed to be modifications of the powers vested in the Federal Government * * * *applicable to the Federal Government alone.*" *Withers* v. *Buckley* (1857), 20 How., 84, 90.

"Intended to operate *on the National Government alone.*" *Spies* v. *Illinois* (1887), 123 U. S., 131, 166.

"Intended to operate *solely on the Federal Government.*" *Brown* v. *New Jersey* (1899), 175 U. S., 172, 174.

"Applicable *only to Federal courts.*" *Bolln* v. *Nebraska* (1900), 176 U. S., 83, 88.

In *Callan* v. *Wilson* (1888), 127 U. S., 540, 549, 551, holding that the Sixth Amendment was in force in the District of Columbia, the Court spoke of the "anxiety of the people of the States to have in the supreme law of the land and *so far as the agencies of the General Government* were concerned a full and district recognition of those rules as involving the fundamental rights of life, liberty, and property."

It has been specifically held that the search and seizure clause of the Fourth Amendment does not apply to the States. *National Safe Deposit Co.* v. *Illinois* (1914), 232 U. S., 58, 71.

A Territorial government is neither Federal nor State. It occupies a position somewhere between the two, but very much nearer to the latter. While

it is created originally by act of Congress, it operates within a sphere analogous to that of a State government, and exercises, through a local legislature and local officers, large powers of local self-government. The acts here complained of were those of just such local officers—one a municipal judge, the other a local police officer or detective,[1] and neither an officer of the Federal Government. Moreover, the search and seizure complained of were made upon a complaint in a local municipal Territorial court and of violation of a Territorial, not a Federal law.

The distinction between Federal and Territorial officers and bodies is well recognized.

Good v. *Martin* (1877), 95 U. S., 90, 98:

> Territorial courts are not courts of the United States within the meaning of the Constitution, as appears by all the authorities.

Clinton v. *Englebrecht* (1871), 13 Wall., 434 (p. 447):

> There is no Supreme Court of the United States, nor is there any district court of the United States, in the sense of the Constitu-

[1] Mr. St. Elmo testified (Rec., p. 248) that his "official position" was "Chief of the Bureau of Information." An appropriation is made for this office in the act passed by the Porto Rico Legislature, approved Mar. 13, 1913, making appropriations "for the necessary expenses of carrying on the Government of Porto Rico" for the fiscal year ending June 30, 1914. (Laws of Porto Rico, 1913, p. 181.)

> tion, in the Territory of Utah. The judges are not appointed for the same terms, nor is the jurisdiction which they exercise part of the judicial power conferred by the Constitution or the General Government. The courts are the legislative courts of the Territory, created in virtue of the clause which authorizes Congress to make all needful rules and regulations respecting the Territories belonging to the United States.

In *Snow* v. *United States* (1873), 18 Wall., 317, the Court recognized and affirmed the existing practice by which the United States attorney for the Territory of Utah, appointed by the President, should attend to the business of the General Government and prosecute offenders against Federal laws; while the attorney general of the Territory should attend to *Territorial* business and prosecute offenders against the *Territorial* laws.

In *Hussey* v. *Smith* (1878), 99 U. S., 20, 24, it was said that a United States marshal in a Territory may serve process only in cases where the United States is concerned, and that in other cases the *Territorial* marshal is the proper officer.

In *Duncan* v. *McAllister* (1873), 1 Utah, 81, 86, it was held that " a Territorial marshal is not a Federal officer."

In *Schuerman* v. *Arizona* (1902), 184 U. S., 342, loan commissioners appointed under a Territorial statute were held to be Territorial officers under a Territorial statute relating to the manner of exer-

cising a joint authority by three or more public officers.

In *Adams Express Co.* v. *Denver & Rio Grande Ry. Co.* (1883), 16 Fed., 712, 715, a corporation created by special act of a Territorial legislature was held not to be a Federal corporation.

> The act of Congress to provide a temporary government of Colorado did not authorize the Territorial legislature to exercise any of the powers of Congress, but rather the legislative power of the Territory.
>
> * * * * *
>
> The legislative power to be exercised by the Territorial legislature is the legislative power of the Territory, not that of the United States. Both States and Territories, in a certain sense, derive their existence from the legislation of Congress, but the jurisdiction and authority exercised, either by a State or Territory, is that of a State or Territory and not that of Congress. Territorial statutes have a distinct and well-defined character of their own. The people of a Territory, when authorized to form a Territorial government, are vested with a qualified sovereignty. Congress may limit their powers, and may annul their enactments, but, subject to these limitations, the Territory is a government.

Do the first eight amendments to the United States Constitution apply to local Territorial action? This question has never been explicitly decided by this Court.

In *Walker* v. *Southern Pacific R. R. Co.*, (1897), 165 U. S., 593, 595, the question was raised but left undecided.

In *American Publishing Co.* v. *Fisher* (1897), 166 U. S., 464, it is said that the question whether the Seventh Amendment operates *ex proprio vigore* to invalidate an act of a Territorial legislature authorizing a verdict by nine or more members of the jury in civil cases "may be a matter of dispute," and the question is expressly left undecided. It is pointed out that the case of *Webster* v. *Reid* (1850), 11 How., 437, may be explained upon the ground that the Territorial act there held void may have been so adjudged because it conflicted with congressional legislation.

In *Thompson* v. *Utah* (1898), 170 U. S., 343, the only point actually decided was that where at the time of the commission of a crime a right to trial by jury exists under Territorial laws, such an existing right can not, under the *ex post facto* clause of the Constitution, be taken away by subsequent legislation after the Territory has become a State.

The expressions to be found in *Thompson* v. *Utah, supra,* and other cases, to the effect that the Constitution is in full force in the Territories ("self-operative application of the Constitution" as stated by Mr. Justice White, in *Rasmussen* v. *United States* [1905], 197 U. S., 516, 527), are not conclusive, because those expressions may mean simply that the Constitution is in force in the Territories

to the same degree that it is in the States, and that, as in the States, the first eight amendments apply only to the operation of the Federal Government in the Territories.

This conclusion is reinforced by the close analogy existing between Territorial and State Governments.

In *Hornbuckle* v. *Toombs* (1873), 18 Wall., 648, 655, this Court said:

> As a general thing, subject to the general scheme of local government chalked out by the organic act, and such special provisions as are contained therein, the local legislature has been trusted with the enactment of the entire system of municipal law, subject also, however, to the right of Congress to revise, alter, and revoke at its discretion. The powers thus exercised by the Territorial legislatures are nearly as extensive as those exercised by any State legislature, and the jurisdiction of the Territorial courts is collectively coextensive with and correspondent to that of the State courts—a very different jurisdiction from that exercised by the Circuit and District Courts of the United States. In fine, the Territorial, like the State courts, are invested with plenary municipal jurisdiction.

In *Kopel* v. *Bingham* (1909), 211 U. S., 468, 476, Porto Rico though not "incorporated" was held to be a "completely organized Territory" within the meaning of section 5278 of the Revised Stat-

utes of the United States, providing for the surrender of fugitive criminals by governors of Territories.

In American R. R. Co. of Porto Rico v. *Didricksen* (1913), 227 U. S., 145, it was held that an act of Congress applying in terms to common carriers "in the Territories" applied to carriers in Porto Rico.

> (p. 148) Though for all purposes the island of Porto Rico has not been fully incorporated into the United States, it obviously is not foreign territory nor its citizens aliens. *Gonzales* v. *Williams,* 192 U. S., 1, 15. Its organization is in most essentials that of those political entities known as Territories. It has a Territorial legislature and a Territorial system of courts.

In *Gromer* v. *Standard Dredging Co.* (1912), 224 U. S., 362, 370, it was said that the purpose of the organic act for Porto Rico was—

> to give local self-government, conferring an autonomy similar to that of the States.
> * * *

Like a State, the government of Porto Rico possesses that important attribute of sovereignty—the right not to be sued without its consent. *Porto Rico* v. *Rosaly* (1913), 227 U. S., 270.

And the same has been held with respect to the Territory of Hawaii. *Kawananakoa* v. *Polyblank* (1907), 205 U. S., 349, 353.

It is submitted, therefore, that in view of the well-known object of the first eight amendments, which was to restrict the General Government only, these amendments should be held inapplicable to the acts of a local Territorial officer in a fully organized and autonomous Territory like Porto Rico.

The mere fact that Congress retains a latent right to regulate the manner in which the powers of the Territorial government shall be exercised is not important.

In *Talton* v. *Mayes* (1896), 163 U. S., 376, it was held that local legislation of the Cherokee Nation is not controlled by the Fifth Amendment requiring indictment by a grand jury. The Court said (p. 384):

> * * * the existence of the right in Congress to regulate the manner in which the local powers of the Cherokee Nation shall be exercised does not render such local powers Federal powers arising from and created by the Constitution of the United States.

It is, moreover, entirely unnecessary to invoke the Fourth Amendment in cases of unreasonable search and seizure by local Territorial officers in Porto Rico. Section 2 of an act of the Legislative Assembly of Porto Rico, entitled "An act to define the rights of the people," passed February 27, 1902, provides:

> The right of people to be secure in their persons, papers, homes and effects, against unreasonable searches or seizures, shall not

> be violated, and no warrant to search any place or seize any personal thing shall be issued without describing the place or person to be searched and the thing to be seized or without probable cause supported by oath or affirmation reduced to writing. (Revised Statutes of Porto Rico (1911), p. 61, sec. 296.)

If the fourth amendment applies to unreasonable searches and seizures by both Territorial and Federal officers, this statute was the merest surplusage. It would be quite improper to assume that the Porto Rico Legislature would have passed an act to secure rights already adequately protected by the United States Constitution. In order, therefore, to give effect to this statute, it would seem reasonable to hold that it was passed to secure the people against unreasonable searches and seizures by the local authorities not affected by the fourth amendment, leaving that amendment to its proper sphere of Federal action.

VII.

The admission in evidence by the court of a number of mutilated lottery tickets, complained of in the sixth assignment of error, does not constitute reversible error.

(1) *The mutilated tickets were properly identified and were admissible.*

The witness Walter St. Elmo, the officer who seized the tickets, testified positively that he found

them in the apartment of the plaintiff in error, Cerecedo, that they were lottery tickets, and he cut the numbers from them. (Rec., p. 256.) The court, over the objection of counsel, admitted the tickets, with the remark that he did not pass upon the question as to whether they were lottery tickets or not, but merely permitted their introduction for whatever they might be worth. (Rec., p. 257.)

It is respectfully submitted that the tickets were properly identified as lottery tickets by the witness St. Elmo, who admitted having mutilated them, and that in any event the remark of the court in permitting their admission for what they were worth fully guarded the interests of the plaintiffs in error.

(2) *Even if the admission of the mutilated lottery tickets constituted error, it was immaterial and not prejudicial to plaintiffs in error.*

The witness St. Elmo identified a large number of other lottery tickets which were introduced in evidence in their original condition, which he seized in the Cerecedo apartment. (Rec., pp. 249–256.) These tickets were positively identified by the administrator of the Santo Domingo Lottery, J. A. Geraldino. (Rec., p. 299.) The evidence, if any, afforded by the mutilated tickets was simply cumulative in character, and the result would not have been otherwise had the mutilated tickets been excluded. The other evidence, including the contract for sale of lottery tickets, lists of drawings, and

correspondence, also found in Cerecedo's apartment, was amply sufficient to sustain the verdict.

Mammoth Min. Co. v. *Salt Lake Co.* (1894), 151 U. S., 447, 451;

Motes v. *United States* (1900), 178 U. S., 458;

Cooper v. *Coates* (1874), 21 Wall., 105, 110.

VIII.

The court's action in admitting the testimony of the witness Schwartz, testifying as an expert on handwriting, was correct.

(1) *Even though not an expert, the testimony of Schwartz is expressly provided for by statute.*

The act of February 26, 1913 (37 Stat., 683), provides:

> That in any proceeding before a court or judicial officer of the United States where the genuineness of the handwriting of any person may be involved, *any admitted or proved handwriting of such person shall be competent evidence as a basis for comparison by witnesses,* or by the jury, court, or officer conducting such proceeding, to prove or disprove such genuineness.

One of the papers shown the witness for comparison had been previously introduced in evidence and the administrator of the Santo Domingo Lottery had testified that it was signed by Cerecedo in his presence (Rec., p. 300); and the other paper

handed him for comparison had been fully proved (Rec., p. 330). His testimony was strictly admissible under the terms of the statute quoted above, even though he may not have qualified as an expert.

(2) *The witness qualified as an expert, and the court has large discretion in determining whether a witness has so qualified.*

The witness testified that he had been engaged in the lithographing business, which involved considerable experience in the comparison of handwriting, for 34 years; and that he had testified as an expert on handwriting in four previous cases. (Rec., pp. 324, 325, 328.) He further testified that he had made a considerable study of handwriting and also the documents handed him at the trial. Under the circumstances detailed, the court did not abuse its discretion in permitting the witness to testify as an expert.

> Wigmore on Evidence (1904), sec. 2012; Jones, Evidence (1913), sec. 369, p. 898.

(3) *The witness testified that he was personally acquainted with Cerecedo's signature, which rendered him competent to testify as to the genuineness of the latter's handwriting.*

The witness testified that he knew Cerecedo personally and was personally acquainted with his signature. (Rec., p. 331.) Under these circumstances he was competent, even though not an expert, to

testify as to the genuineness of the handwriting in the papers shown him.

Rogers v. *Ritter* (1870), 12 Wall., 317, 322;
Williams v. *Conger* (1888), 125 U. S., 397, 413;
United States v. *Ortiz* (1900), 176 U. S., 422.

CONCLUSION.

The Government submits that either this writ of error should be dismissed or the judgment below affirmed.

CHARLES WARREN,
Assistant Attorney General.

OCTOBER, 1915.

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OPINION

CASES ADJUDGED

IN THE

SUPREME COURT OF THE UNITED STATES

AT

OCTOBER TERM, 1915.

CERECEDO *v.* UNITED STATES.

ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR PORTO RICO.

No. 285. Argued October 13, 1915.—Decided October 25, 1915.

Postponing consideration of a motion to dismiss until the hearing of the case on the merits is not a decision that the court has power to review the judgment.

The rule in cases coming from the District Court of the United States for Porto Rico is that the existence of constitutional questions must appear in a bill of exceptions.

Even though this court may have an extraordinary discretion in extreme cases to supply the absence of a bill of exceptions, there is no ground in this case for the exercise of such discretion.

THE facts, which involve the jurisdiction of this court to review judgments of the District Court of the United States for Porto Rico, are stated in the opinion.

Mr. Paul Fuller and *Mr. Howard Thayer Kingsbury*, for plaintiffs in error submitted:

This court has jurisdiction.

The search warrants were void and the searches and

seizures made thereunder were in violation of the Constitution.

The trial court should have ordered the return of the papers unlawfully seized and should not have admitted them in evidence.

The United States attorney should have returned upon defendants' demand the papers unlawfully seized.

Private papers written by the defendants or any of them, taken from their possession by compulsory process, should not have been admitted in evidence.

The trial court admitted other incompetent and irrelevant evidence.

The trial court's refusal to extend the time in which to file a bill of exceptions, and to permit the substitution of the supplemental assignment of errors was an abuse of discretion.

In support of these contentions, see *Adams* v. *New York*, 192 U. S. 585; *Boyd* v. *United States*, 116 U. S. 616; *Burton* v. *United States*, 196 U. S. 283; *Chateaugay Iron Co.* v. *Blake*, 144 U. S. 476; *Crowley* v. *United States*, 194 U. S. 461; *Downes* v. *Bidwell*, 182 U. S. 244; *Entick* v. *Carrington*, 19 Howell's St. Tr. 1029; *Guardian Assurance Co.* v. *Quintana*, 227 U. S. 103; *Herbert* v. *Butler*, 97 U. S. 319; *Hall* v. *United States*, 150 U. S. 76; *Hardy* v. *Harbin*, 154 U. S. 598; *Rodriguez* v. *United States*, 188 U. S. 156; *Wilson* v. *United States*, 149 U. S. 60; *Williams* v. *United States*, 168 U. S. 382; *Weeks* v. *United States*, 232 U. S. 383.

Mr. Assistant Attorney General Warren for the United States.

Memorandum opinion by MR. CHIEF JUSTICE WHITE, by direction of the court.

The plaintiffs in error prosecute this writ under the assumption that the court below denied rights asserted

by them under the Constitution, by refusing as prayed, to return papers taken from them under a search warrant and in permitting the papers over objection to be offered in evidence. There is no bill of exceptions in the record and nothing which enables us to lawfully ascertain the existence of the constitutional questions relied upon. *Clune* v. *United States*, 159 U. S. 590; *Metropolitan R. R. Co.* v. *District of Columbia*, 195 U. S. 322; *Porto Rico* v. *Emanuel*, 235 U. S. 251, 255.

There is nothing, therefore, before us unless there be merit in contentions to the contrary which are pressed and which we briefly dispose of. First: On the face of things it is obvious that the postponing at the last term of the consideration of a motion to dismiss was not a decision of the question of power to review. Second: Even indulging, for the sake of the argument only, in the assumption of the correctness of the proposition urged that an extraordinary discretion might exist in some extreme case to supply the entire absence of a bill of exceptions, we see no ground whatever for the premise that this is a case of that character.

Dismissed for want of jurisdiction.

END

OF

CASE